होगा । अखबार वाले कुछ लिखेंगे नहीं ... (व्यवधान)

अब हम अगला कार्य शुरू करते हैं । श्री शंकरानन्द ।

I. CONSTITUTION (SIXTY - SECOND AMENDMENT) BILL, 1988.

II. REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1988.

THE MINISTER OF LAW AND JUSTICE AND THE MINISTER OF WATER RESOURCES (SHRI B. SHANKARANAND): Madam, I beg to move:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

I also beg to move:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, as passed by the Lok Sabha be taken into consideration."

The two Bills represent a historic step towards the further strengthening of the democratic process in our country. Ours is one of the biggest and stable democracies in the world. A large percentage of our population lives in rural India. All our citizens may not be highly educated; but they are wise and matured. When it comes to the question of exercising the right to vote, the Indian voter, whether he is in urban area or the rural area, is quite clever and politically conscious.

The success of Parliamentary democracy in our country is admirable. Hon. Members are aware that the subject 'electoral reforms' has been keenly debated, both in the Parliament and outside. We have an old established electoral system and codified election laws covering all aspects of the preparation for and the conduct of elections. Since Independence, we have been holding elections. On a review of all the previous elections held, it is found that the electoral process and the system have been under various stresses and strains which, if allowed to remain unchecked, may undermine the very democratic process and the system itself. Our past experience emphasised a pressing need for improvements in the electoral process. Government and the Election Commission have been studying the question of electoral reforms for a long time past. From time to time, the Election Commission formulated several proposals. Government have taken necessary steps to bring about improvements. Hon. Members would recall that the Government, under the bold and dynamic leadership of Shri Rajiv Gandhi, the Prime Minister, took the unprecedented step by enacting the Constitution (Fifty-second Amendment) Act to deal with the evil of political defection. Another significant step also taken was the enactment of the Companies (Amendment) Act, 1985, to legitimise the flow of funds from corporate sector to political parties. Recently, the Religious Institutions (Prevention of Misuse) Act was passed to separate religion from politics. The two Bills, the present Bills, now brought before the House are in continuation of the efforts of the Government to further strengthen the electoral process.

Various proposals regarding electoral reforms have been widely debated in the press and other fora. Several political parties expressed their views and suggestions, both in Parliament and outside. Government took due note of all these various suggestions. Government also held consultations with the representatives of political parties in Parliament to ascertain their specific ideas. The Prime Minister had also conveyed to this House the serious concern of the Government regarding electoral reforms. If the matter was taking time, it was only because the subject was complex and

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complicated, and whatever was decided upon had to be examined thoroughly so that it could prove effective and not remain merely as a silent provision.

I am happy to say that we have now been able to formulate a number of proposals to further improve the electoral system. The Constitution amendment Bill is for the purpose of amending article 326 of the Constitution to reduce the voting age from 21 to 18 years. The Representation of People (Amendment) Bill contains several provisions for bringing about important changes and improvements in the election law as contained in the Representation of People Act, 1950 and the Representation of People Act, 1951. These proposals will go a long way to make elections free and fair. These measures would be particularly welcome to the weaker sections of the society.

I would now briefly refer to the provisions incorporated in these two Bills. I shall take up first the Constitution amendment Bill. The framers of the Constitution had incorporated in article 326 of the Constitution that the elections to the House of the people and to the Legislative Assemblies shall be on the basis of adult suffrage. They had also specified in the article that the concept of adult suffrage would cover all the citizens of India who are not less than 21 years of age. Hon. Members may recall that the Joint Committee of both Houses of Parliament, during the regime of late Shrimati Indira Gandhi, the then Prime Minister, considered proposals relating to amendment to election laws in 1972 and it urged that the voting right should also be granted to persons in the age-group of 18 to 21 years in order to give the younger generation an opportunity to participate in the functioning of Parliamentary democracy. The Committee had concluded that there was no valid reason for denying the right to vote to persons in the age-group of 18 to 21 years, particularly, when, for all purposes of law, they are treated as majors and deemed competent to handle their affairs.

The youth wings of the Congress Party have also been agitating for reducing the age of voting since the National Convention of the Youth Congress at Tirupati in August, 1984, and the National Convention of the NSUI held at Nagpur in September, 1984. which was attended by Indiraji and also Shri Rajiv Gandhi in his capacity as General Secretary of the party.

The youth in the age-group of 18 to 21 years are politically conscious and take keen interest in national and world affairs. It is most appropriate that the unrepresented youth of this country should be given an opportunity to actively participate in the effective functioning of Parliamentary democracy by exercising their right of franchise. Government have, therefore, decided to bring about the much-needed change in the voting age. It is on the youth of the country that the present and future of the country rests. The youth are already taking a very keen interest in the political affairs of the country. We are proud to bring forward this Bill in the year in which the Centenary of Pandit Jawaharlal Nehru, the great son of India, is being celebrated.

The Election Commission has estimated that if the voting age is reduced, an additional number of 47 million will become entitled to vote. They will have to be enumerated on the basis of a door-to-door survey. The Election Commission will take necessary steps in this regard once both Houses of Parliament approve the Bill.

With your permission, Madam, I shall now deal with the provisions of the Representation of the People (Amendment) Bill. Over the years, there has been an increasing tendency

to vitiate the electoral process. Malpractices and lawlessness have been on the increase. We had, therefore, to think in terms of effective measures to check such evil tendencies. The Election Commission is a Constitutional authority and is vested with plenary powers in the matter of superintendence, direction and control on all matters prior to and the actual conduct of elections to Parliament and Legislative Assemblies of the States. It is to be strengthened to take all necessary measures for ensuring free and fair elections.

As the Members are aware, the Election Commission is dependent on the machinery of the State Governments concerned both in respect of the work of preparation, revision and correction of electoral rolls and the work in respect of the actual conduct of elections. Such staff function under the superintendence, direction and control of the Election Commission in so far as the work relating to elections is concerned. They do this work in addition to their normal functions under the State Governments. Thus, the State Government employees are subject to dual control, one by the State Government concerned in respect of the regular work and another by the Election Commission in respect of the election work. It is, therefore, felt necessary that the disciplinary control over the State Government staff in respect of work relating to elections should be vested in the Election Commission.

An amendment, therefore, has been proposed that such staff would be deemed to be on deputation to the Election Commission so that they are brought under its disciplinary authority. The exercise of jurisdiction by the State Governments over their staff in relation to their normal work even during the period of elections would continue to rest with the State Governments.

India is a Parliamentary democracy based on party system. A large number of political parties are also functioning. The democratic election process is to be sustained and nourished by healthy activities of political parties. We have to strengthen the election system by necessary reforms so that fissiparous and fundamentalist tendencies do not bring about its downfall. At present, there is no statutory definition of a 'political party'. It is proposed to rectify this lacuna by incorporating a statutory definition in the Representation of the People Act, 1951. Section 8 of the Act already deals with disqualification on the ground of conviction for certain offences. In order to control the nexus between persons with criminal record and election activity and to include more offences in this section, suitable provisions have been incorporated in the Bill. In this connection, I may mention that we have included conviction for certain economic and social offences also in the perview of disqualification. Offences under the recently enacted Religious Institutions (Prevention of Misuse) Act, 1988 have also been included as disqualification.

Modernised tools, based on latest technology, are increasingly being resorted to as aids to decision making. The proposal for the introduction of electronic voting machine side by side with the existing ballot paper system should be viewed in this light. There are other advantages claimed for the electronic voting machine. It is cost reducing, easy to operate and can act as an indirect check on rigging, ballot paper rejections, etc. Since the Representation of People Act makes a specific mention of the ballot paper system of voting, the Supreme Court has held, in an election case some time ago, that without a formal provision in the statute, it would not be legally permissible for the electronic voting machines to be used. The Election Commission would, however, exercise this discretion after considering the availability of machines, the standards of voters, prevalence of anti-social activities, etc.

I am sure that all the Members of

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the House will agree with me that the evil of booth capturing has to be put down with a firm hand. If it is allowed to remain unchecked, serious distortions may result apart from extreme lawlessness. It has, therefore, been proposed to make booth capturing an offence and also a corrupt practice. It has been also proposed that the Election Commission shall, in cases of large scale booth capturing, countermand the election in the whole constituency in addition to ordering of repoll in particular booths.

On several occasions, election meetings are disturbed by vested interests. The present fine provided for in the statute is meagre, namely, a mere fine of Rs. 250/-. It is now proposed to amend this provision to provide for a sentence of imprisonment and enhanced fine of Rs. 1000/-.

There was a proposal that delimitation of the constituencies could be undertaken afresh and the reserved seats be rotated without bringing about any change in the total number of seats in the Lok Sabha or the State Legislative Assembly. This would require a constitutional amendment and setting up of a Delimitation Commission through a separate enactment. Since the next General Elections are due in December, 1989, it will not be possible for the new Delimitation Commission to complete its work by that time. Moreover, even after the completion of the delimitation work, the political parties and the candidates, in all fairness, would require some time to get familiarised with the revised constituencies. Keeping this in view it has been decided to defer this proposal for the present.

Likewise there were proposals for the Multi-Member Election Commission and also for introduction of multipurpose identity cards. Hon'ble Members are aware, sub-clauses (2) and (3) of article 324 of the Constitution already provide for the Election Commission to function with other Election Commissioners besides the Chief Election Commissioner. The Commission has its own secretariat Our endeavour is to give more power to the Election Commission so that it may effectively perform its function under the Constitution.

In respect of the issue of multi purpose photo identity cards to voters I would like to inform the House that the Election Commission has introduced these in some of the States. It may be mentioned that no amendment of the statute is necessary for enabling the introduction of the multi-purpose photo identity cards. There is already a provision in the Registration of Electors Rules, 1960 by which the Election Commission may determine the manner in which such cards to voters may be introduced in the various parts of the country. Another proposal was with regard to elimination of non-serious candidates. This question was examined by the Government carefully. Mainly three suggessions came up for consideration. The first suggestion was that the security deposit should be stepped up significantly.

The second proposal was to include in the statute a provision for graded penalty with reference to the number of votes actually polled being below a specified percentage. The intention was to levy a penalty in addition to the forfeiture of the security deposit.

The third suggestion was that the names of the independent candidates should be arranged in the ballot papers after the names of the candidates of the political parties.

After careful examination, Government felt that all these proposals may not achieve the desired objective.

With regard to State funding of election expenses, it is felt that it would not be a solution to the problem of money power in the elections.

The proposals included in the present Bills cover several important

tems which go a long way in ensuring free and fair elections. It is my earnest hope that the two Bills will have the unanimous support of all sections of the House.

Madam, I commend the Bill, as passed by the Lok Sabha, for the consideration of the House.

The questions were proposed.

THE DEPUTY CHAIRMAN: There is one amendment by Shri Satya Prakash Malaviya for reference of the Representation of the People (Amendment) Bill, 1988, to a Select Committee of the Rajya Sabha. Are you moving it?

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : महोदया, मैं आपकी अनुमति से यह प्रस्ताव प्रस्तुत करता हूं कि :

"लोक प्रतिनिधित्व अधिनियम, 1950 और लोक प्रतिनिधित्व अधिनियम, 1951 का और संशोधन करने वाले विधेयक को राज्य सभा के सदस्यों

1. सर्वश्री एम०ए० बेबी
2. कैलाश पति मिश्र
3. वीरेन्द्र वर्मा
4. राम नरेश यादव
5. राम अवधेश सिंह
6. ईश दत्त यादव
7. यशवंत सिन्हा
8. चतुरानन मिश्र
9. मोहम्मद खलीलुर रहमान
10. डा० बापू कालदाते
11. श्रीमती विजया चक्रवर्ती

की एक प्रवर समिति को सौंपा जाये और उसे आगे सत्र के पहले दिन तक अपना प्रतिवेदन प्रस्तुत करने का अनुदेश दिया जाये।"

The question was proposed.

THE DEPUTY CHAIRMAN: The motions for the consideration of the Constitution (Sixty-second Amendment) Bill, 1988, and the Representation of the People (Amendment) Bill, 1988 and the amendment thereto, are now open for discussion. Shri Gurupadaswamy. I would like to tell you before you start, because I do not want to disturb your speech, that forty minutes is the time given to your party and there are four name. You let me know how much time you will take so that accordingly we will distribute the time.

SHRI M. S. GURUPADASWAMY (Karnataka): We will see as we proceed along.

THE DEPUTY CHAIRMAN: Because if you take all the 40 minutes, there will be nothing left for the others. So I just want you to frame your mind according to the time allotted to your party.

SHRI M. S. GURUPADASWAMY: For the time being, you please stop the watch.

Madam, I believe that elections are the corner-stone of democracy. They lie at the heart of the democratic process. The manner in which the election system works has a direct bearing on the political structure itself. From this point of view, I approach this all important question of electoral reforms. I want at the outset to address myself to the three fundamental changes which are the bedrock of electoral ethos. The three things are, whether the electoral laws and procedures of the country can effectively deal with money power muscle power and State power. The purity of elections will have tremendous bearing, impact, influence, over the working of the parliamentary institutions.

[The Vice-Chairman (Shri Jagesh Desai) in the Chair.]

[Shri M. S. Gurupadaswamy]

Mr. Vice-Chairman, Sir, rights concerning elections are not fundamental rights, they are, especially and strictly, statutory rights. I remember the words of the Supreme Court in the case of *Jyoti Basu versus J.B. Ghoshal*, and I quote:

> "Outside the statute there is no right to elect, no right to be elected and no right to dispute the election."

I keep this in view while I make both supportive and critical references to the Bills under discussion.

Sir, the statutes which we enact should be adequate, precise, simple and also comprehensive, to deal with all problems, all situations, all contingencies which may arise while holding the elections for the Assemblies and Parliament. If the statutes which we enact do not fulfil the primary task of ensuring democratic elections, to that extent we have to say that the statute is insufficient. We believe in free, fair and non-corrupt elections, and the question is whether the present Bills meet these demands, the challenges that we are facing on the electoral front. Already, disturbingly enough, the politics and the elections in this country have been taken over by, and are under the evil spell of, black money. Black money is not generated by politics. It has taken over the politics of the country, and elections are no longer today a poor man's game. A moneyed oligarchy has taken over the elections, has been influencing the results of these elections. The muscle power and the governmental power have enlarged this evil. So, I approach this based on this point of view.

The Prime Minister in the other House has described these Bills as historic and revolutionary. I tried to find out which is revolutionary, which is historic in these measures. I agree with some of the amendments which have been brought forward by the Government. But, I must say, the Bills are limited, narrow, hesitant, poor and timid in their aproach to deal with various evils that have cropped up in the election system.

I agree with the suggestion that the voting age should be brought down from 21 years to 18 years. That was the demand of the Opposition for long. I am happy, the ruling party and the Government woke up, though late, and saw the wisdom of the Opposition demand and accepted this demand.

I also endorse the proposal to have electronic machines in the polling booths. But I am unable to understand why there should be any reservation at all in this regard, it is said that the electronic machines are going to be introduced in the first instance selectively in a few constituencies. The reason for not introducing these machines all over is the money involved, the expenditure involved. Rs. 250 crores is not much compared to the need, the necessity for such machines

I also agree with the expansion of definition of offences. The electoral law has to deal with qualifications and disqualification. We have to evolve a matrix of some positive things and negative things in the election law which should be observed by all of us. But, let me ask my friend Mr. Bhardwaj. We have already incorporated a few fraudulent dealings and malpractices. How have these malpractices been found out or dealt with by the Election Commission in the past? I think it is a disappointing experience to all of us. I am doubtful that by making the law strong and firm and stringent, you may not be able or you may not wish to eliminate the maplractices or corrupt practices. Today it is the experience of all political parties that criminal gangs, private armies, mafia rings and anti-social elements operate during the campaign and there is no way to deal with these threats effectively. Mere enlargements of the list of offences does not lead us anywhere

unless the statute is properly and effectively implemented during the election period. Our experience is that even the existing provisions have not been implemented.

Regarding registration of political parties, may I say it is totally unnecessary. It is not an innovation and it is not a big change. We have already with us the Foreign Contribution Regulation Act of 1976 and the Election Symbols Order of April, 1968 which has denied political parties. The same thing has been added to the Bill. May I bring to the notice of the House that the Foreign Contribution Regulation Act, 1976 has got a provision which is as follows:

> "A political party means an association or body of individual citizens of India, which is or is deemed to be registered with the Election Commission of India as a political party under the Election Symbols Reservation Allotment Order, 1968 as in force for the time being."

It is already there. Why do you want the registration of political parties? What purpose does it serve unless you bring in State funding? We thought many more important things will be brought in, including the State funding of elections. The area that is covered by your Bills is very narrow and limited. They are far short of the needs and expectations of the people. What is required is a comprehensive measure, a more radical measure. Then I would have called it revolutionary. Today, you are dealing with only a few frills. The Prime Minister said about the Opposition in the other House that we are suffering from myopia. Who is suffering from myopia? The Prime Minister or the Opposition? If the Prime Minister thinks that by these Bills, he will bring about purity in elections and if he believes that by these Bills he will be radicalising and revolutionising the election process and making the elections incorruptible, fair, proper, I think he is mistaken.

Mr. Vice-Chairman, in my view, large areas are not covered by the electoral reforms. We have no time to wait for further reforms. Let me tell my friend, Shri Shankaranand. He has said in the other House "All the reforms cannot be brought together at one time, we have to wait." Democracy will not wait, people will not wait, please remember. People should have full confidence with the election process to ensure that the money power is removed and State funding is one of the important steps in this direction. The Treasury Benches have taken the position that State funding will not solve the problem. We know that it will not solve the problem fully. We are aware of that but it will create a climate. It will be a pace-setter for free and fair elections. Most of the legitimate expenses of the political parties should be met by the State fund. The costs, the expenses involved do not matter when we are protecting democracy and the democratic institutions from the evils of corruption and black money. Therefore, I plead with the Government that there should be provision for State funding of the elections.

The second and the most important thing in elections is the Election Commission. That has got to be changed, radically changed; the structure has got to be changed. In the Constitution provision has been made for a three-man Commiission and Regional Election Commissioners. I thought that the Government would not require our goading to accept that amendment. People have lost confidence in the election machinery in this country today. The Election Commission should be above suspicion. It should not be an appendage of the Government of India. Let any party run the Government of India. It should not be the handmaid of the ruling party at the Centre and the members of the Election Commission

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should be men of integrity. They should not be re-employed. I would suggest a Committee consisting of the Prime Minister, the leader of the Opposition elected by various Opposition parties in Parliament and the Chief Justice of the Supreme Court. They should select the members of the Election Commission. What is wrong in accepting this amendment? Allow amendment to that effect. Mr. Vice-Chairman, Sir, I want to cut short my speech because I have to give time to my colleagues also. Otherwise, I would have gone on. (*Interruption*). I see your gestures, Sir. I would like the media to be made available for all political parties equally. My friend, Shri Shiv Shanker is laughing.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI P. SHIV SHANKER): I am not laughing.

SHRI M. S. GURUPADASWAMY: If you are smiling with Advani ji, I have no objection.

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): He has a smiling face.

SHRI M. S. GURUPADASWAMY: I always like smiling faces. I agree with him. Mr. Vice-Chairman, Sir, All India Radio and Doordarshan should be made available to all political parties during the election campaign equally. There should not be any misuse of this media by the ruling party for its own partisan purposes. I also would like that the duration of election campaign should be cut short. Now, it is 21 days or 20 days for the election campaign. It was one month in the beginning. It was reduced to three weeks. I think much of the menace of money, expense involved can be cut considerably, without affecting the results of the election, to two weeks. It is not necessary to have three weeks' campaign. It is very costly. I also suggest, as far as possible, there should be a provision saying that there should be simultaneous elections to Parliament and Assemblies. My friend, Shri Shankaranand, talked about delimitation. Mr. H. R. Bhardwaj knows my views on that because I have been talking with him for a very long time and not now. There is no reason for postponing delimitation of constituencies,. The Government is dragging its feet on this. I do not know for what purpose. There should be a delimitation commission even now. I would like the ceiling placed on the number of seats to be kept as it is till the end of the century. But let there be rotation of seats. Rotation of reserved seats has to be done quickly. It will be a summary revision of delimitation. Even now, it can be done within four months, I assure you. The census figures are available. The rotation of constituencies has got to be approved. They have got to do this. Otherwise, the same old constituencies are continuing to the dismay of many of the political parties. Mr. Vice-Chairman, Sir, finally, I would like to say that the voters' list is very important, is very sacred. That is the basis for election. But because of the shortness of time, I suggest that there should be a permanent machinery, not an ad hoc machinery, to take up continuous revision of electoral rolls, not periodic revision but continuous revision. There should be a permanent machinery for that. In the electoral roll, omissions, misprintings and various sorts of mistakes are found. Therefore, I suggest, a permanent machinery is to be created for the purpose of continuous enrolment of voters.

In the end, I cannot go the full hog, the fullway, to support these measures. I extend my limited support. I urge the Government to take courage to consult us even now. There can be another amending measures in the next Session. I made a suggestion when I met the Ministers the other day on this question. A basic paper has got to be prepared on the basis of the various suggestions made

by Political parties and the Prime Minister should call all the leaders together to discuss that basic paper to evolve a consensus. The Government did not think it proper, perhaps. They called us separately. They took our suggestions all right. But many of our suggestions have been left out. They have not included all our suggestions. They have gone on with their own suggestions, their own recommendations. I am sorry for that. Therefore, in the end, I would plead with them that they should bring another Bill, a more comprehensive Bill, immediately, incorporating the various suggestions made by me and other colleagues. Thank you, Mr. Vice-Chairman.

SHRI P. N. SUKUL (Uttar Pradesh): Mr. Vice-Chairman, Sir, I rise to support the Constitution (Sixty-second Amendment) Bill and the Representation of the People (Amendment) Bill as passed by the Lok Sabha yesterday. I welcome these two Bills because their provisions are aimed at creating such qualitative changes in our electoral system as are bound to make elections cleaner and fairer. To sustain democracy in the desired spirit, elections have to be as clean and as fair as possible and it is on the basis of the experiences we have had during the last 38 years since the Representation of the People Act was passed first that certain changes are proposed to be made in the election law of the land. We must not forget, as Mr. Gurupadaswamy was just saying, that there has been a lot of talk about such reforms. On the one hand, the Opposition parties have been demanding and on the other our ruling party, the Congress party, has also had its own exercises on the subject. As the Minister was telling us, in early 70s, a Joint Parliamentary Committee discussed this problem. And last year, I must tell you, our own party, the Congress Parliamentary Party, had its workshop on this very subject. After the Parliamentary Party's discussions,... (*Interruptions*). First of all, the Parliaamentary Party discussed it. Then the Congress Working Committee discussed it. The AICC discussed it. And after the recommendations of the AICC were available the Prime Minister consulted various Opposition parties on the subject. After all this, as promised by the Prime Minister earlier, this Session has been extended just to pass these two Bills. Thereby the ruling party will be fulfilling one of its very important promises made to the electorate. As the Fifty-second Amendment to the Constitution went a long way in preventing defection amongst political parties, these changes in the election law are also going to have far-reaching consequences and they are bound to make elections, as I said, much fairer and much cleaner and that is the reason why these changes are most welcome. But we must not forget that it is always a continuing process in a democracy. You cannot have an ideal law just today or at any particular time. You have to have experiences and on the basis of those experiences you make changes in the law, just as after 38 years we are going to make these important changes in the election law. Our electoral system is based mainly on the British Pattern. Our election law is based on the British election law. But so far there were two main differences. One their voting age was 18; in our case it was 21. The second difference is and will perhaps remain to be so, that there are no reservations of seats under the British law as we have here for Scheduled Castes and Scheduled Tribes candidates which of course is because of our own peculiar social conditions. That is why I said, perhaps that is going to stay for some time more. So this is indeed a very welcome step that we are going to reduce the voting age from 21 to 18. This reduction in voting age will be in consonance with the practice in most of the developed and underdeveloped countries in the world. In the World Atlas of education 39 countries are mentioned. In 35 countries out of 38 including USA, UK, etc. the vot-

[Shri P. N. Sukul]

ing age is 18 years; in one case, viz. Japan, the voting age is 20 years, and in only three cases out of 39—India, Botswana and Cyprus—the voting age is 21 years. So, as I said, we are going to be progressive that way; not only progressive, we are going to do justice to our youth that has been long due, that our youth has been demanding for long in India, and very legitimately too. As Mrs. Natarajan was saying, if one can marry at 18, if one can be hanged at 18, why cannot one have voting right at 18? It is very true.

SHRI E. BALANANDAN (Kerala): Why cannot he contest too?

SHRI P. N. SUKUL: Of course, that may be a debatable point. I do not know in how many countries they can contest too. I do not have that information. I cannot enlighten you. that perhaps you must do. But at least this will enable them to get themselves involved in the election process. They are already involved. They already take out processions. They do everything. They address meetings also. Only they do not vote. But no election is fought without the help of our young friends. So they are there. At 18 years they are sufficiently literate, also educated. I think more than 70 per cent in the age group of 18 to 21 years are literate. When the founding fathers of our Constitution adopted universal adult suffrage what was the incidence of education in India? Four-fifths of our people were not even literate, and still people like Pandit Nehru and Mr Rajendra Prasad and Maulana Azad said: no, literate or not literate, we must give them this right to vote right to participate in elections...

1 P.M.

SHRI SATYA PRAKASH MALAVIYA: Dr. Ambedkar also.

SHRI P. N. SUKUL: Dr. Ambedkar also. There are so many, a host of them. And that is why it was granted to them although they were illiterate. Some people objected also at that time in the Constituent Assembly, that they are illiterate, they do not know how to use their right whom to vote for and what to do. But our leaders said: No, all men are equal, all citizens are equal, and they must enjoy equal rights. And today this group of 18 to 21, which we are going to provide with this right to vote, is sufficiently literate, educated, is sufficiently politically conscious. That's why I said this is a historic measure, this is a revolutionary thing that we are going to achieve through these two pieces of legislation.

No doubt, Sir, the main problem is how to check the money power and muscle power. Money power leads to malpractices; muscle power leads to lawlessness. These Bills, or rather the Constitution (Amendment) Bill is going to deal with both these aspects in certain ways.

Of course, the State funding is not possible just now, and perhaps it is not the solution. I am also of the opinion that State funding is not going to serve the purpose, because even if there is State funding there will always be additional funding. Additional expenses will be incurred...

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Double funding.

SHRI P. N. SUKUL: There will be double funding and the purpose of State funding will be defeated.

Just now Mr. Gurupadaswamy was saying that registration of political parties is not necessary. He finds it unnecessary unless there is going to be State funding. This is what he said—as if State funding is only for the political parties' candidates and not for independents. But, Sir, in a democracy like ours, perhaps we cannot discriminate there, to provide funds to the candidates of a political party which already has funds, which

can manage funds, which can give funds. But there is one poor man who wants to contest but he has no funds. So the State funding must take into cognizance all these factors and only then it may be possible. But at the moment, as I said it is not possible it is not advisable, and it is not going to serve the purpose also. Of course, there should be more strict vigilance and control over the elections. And that is what this amendment purposes to achieve by introducing more stringent punishment, by bringing into disqualification a larger number of offences. That is what it wants to achieve. It is good that section 8 of the principal Act is being amended to enlarge the list of offences for the disqualification of candidates. It is very necessary.

Sir, Section 39 of the Principal Act is being amended to prevent frivolous cadidates in the Rajya Sabha or the State Council elections. There should be a minimum of 10 proposers or at least 10 per cent of the voters, whichever is less. The minimum number of proposers is ten. In this way, we will be able to contain the number of contestants for the Rajya Sabha and State Council elections. But I don't think there are very many contestants for elections to the Rajya Sabha and the State Councils. I know that in the past there were 308 candidates for one Assembly constituency. So, this large number of candidates is to be found only in the case of Assembly and Lok Sabha elections. But there is no provision to restrict the number of candidates for these two elections. I hope that in the second dose of electoral reforms which our Government may come up with in due course, this aspect will also be taken into consideration and suitable measures will be taken to restrict as far as possible the number of candidates for the Assembly and Lok Sabha seats in order to prevent the frivolous candidates from contesting.

It is good that punishment is being increased for disturbing public meetings and, of course, for offences like booth capturing and rigging which are very common these days. We had a taste of it in Sirsa and Faridabad in Haryana.

SHRI SATYA PRAKASH MALAVIYA: What about Udhampur?

SHRI P. N. SUKUL: Mr. Malaviya, what about Chaprauli 30 or 35 years ago? Mr. Charan Singh never allowed any Scheduled Caste voter to cast his vote in Chaprauli. Today, you are talking of Udhampur.

SHRI SATYA PRAKASH MALAVIYA: The allegation is false and baseless.

(Interruptions)

SHRI V. NARAYANASAMY (Pondicherry): Booth capturing started from West Bengal and went to Haryana.

SHRI SUKOMAL SEN (West Bengal): What have you done in Tripura and other States?

SHRI P. N. SUKUL: Defection and booth-capturing started with Charan Singh and then West Bengal took over.

(Interruptions)

As regards the use of electronic voting machines, it is one more step which is very welcome. I hope that the voting machine can be switched off in case of booth capturing by the Presiding Officer or the Polling Officer so that there is no fake voting. It is a very good thing. As the hon. Minister said in the morning, this will reduce the number of personnel employed for manning the booths. This will also reduce the expenses. I agree with Mr. Gurupadaswamy in one thing. Today, three weeks time is given for campaigning only because that much of time is needed for printing the ballot papers. If electronic machines are there, perhaps the period of campaigning can be reduced from three weeks to two weeks or ten days. This reduction will go a long way in cutting the election expenses of the

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candidates. But I don't think it is being done just now. But it may be done at some later date. So, my suggestion is that some criteria must be found out to restrict the number of independent candidates also. That is number one. Of course, allowing one person to contest from two places or three places should also be taken due care of. One must, as far as possible, contest from only one constituency. If he resigns from one place, then there is re-election in that constituency which is all unnecessary. Some ways and means....

SHRI V. NARAYANASAMY: Some one was elected from one constituency and got defeated from the other.

SHRI P. N. SUKUL: Suppose he wins. So in my humble opinion, Sir. it is not needed. We must choose our constituency very wisely and should contest our constituency only. Just now, there is no provision for multi-purpose identity cards. It is a very welcome measure and it is very much needed. And the Government and the Election Commission both had agreed on this thing in principle that it should be done. Though it is not in the Bill, I think, the rules are going to take care of this aspect also. Rules are going to provide for that. I hope so at least.

Sir, another important thing which must be mentioned in this connection is that the disposal of the election petitions which are filed takes three to four years in almost all the cases. (*Interruptions*) Maybe 5 years. That person has been elected for five years. If the disposal of the election petition is going to take four or five years, that man is always uncertain and he cannot involve himself fully in the constituency work.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): He knows it that it is not going to happen.

SHRI P. N. SUKUL: But, Sir, some device must be evolved to cut short the delay in the disposal of election petitions. Whether through the Special Courts or Special Benches, I do not know, but within six months to one year these election petitions must be disposed of.

Lastly, Sir, I would like to suggest that these electoral reforms will not be completed unless we give the right to contest even to those who are today called the second class citizens of the country. I mean the Government servants.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Why are they second-class citizens?

SHRI P. N. SUKUL: Because they cannot contest the elections unlike those in America or Russia or England or France or Australia.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: They are superclass citizens.

SHRI P. N. SUKUL: Sir, on 8th May, this very House discussed a Non-official Resolution tabled by me that the public servants must be given full political, democratic rights, not only the right to vote but also to contest.. (*Interruptions*) If it is not dangerous in England or Australia and New Zealand, it is dangerous for you because you don't want to allow them to contest...

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): It will be an office of profit.

SHRI P. N. SUKUL: How is it possible in other countries, Sir?

AN HON. MEMBER: Change the law.

SHRI P. N. SUKUL: In this House, it was discussed for one full day, and the then State Minister for Home Affairs, Mr. Venkatasubbaiah had assured us, "Yes, you are right; our Government will consider it". But let it

be there, if not just now. I will suggest that in having these electoral reforms, we must not lose sight of those poor public servants whom we use, whose votes we get, but whom we do not allow to participate wholly in the election process.

With these words, Sir, I support these Bills.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): The House stands adjourned for lunch and will meet again at 2.30 P.M.

The House then adjourned for lunch at fifteen minutes past one of the clock.

The House reassembled after lunch at thirty-one minutes past two of the clock. [**The Vice-Chairman (Shri Jagesh Desai)** in the Chair.]

SHRI E. BALANANDAN: Mr. Vice-Chairman, Sir, these two Bills now coming before us are coming after a big hubbub throughout the country by the Government that major electoral reforms are being brought forward by the Government. But I find that such a big effort is not being made by the Government on this fundamental question. Mr. Minister, while explaining the objectives and reasons behind this legislation stated that in bringng forward these amendments the Government had taken into account the total experience of the last 38 years, and on the basis of that experience these amendments were being brought forward. He also claimed that they held consultations with the opposition political parties too, and that they held consultations in their party also and after taking all those things into accounts they had brought forth this legislation.

Sir, before I go into the details of these things, I must say that the Election Commission is going to be a body which is absolutely neutral and they are going to supervise the elections in the country. I do not want to say anything about them. But the reason given today for not holding Parliamentary elections in States, in my humble opinion, does not stand to logic. Only that much I want to say because I do not want to go beyond that.

Coming to the other question of elections, it means that maximum democratic opinion has to be mobilised for those who are to govern the country. But the experience hitherto has been, the Central Government has had democratic elections, that under the present system of elections with 30 per cent of votes the electorate enables you to rule the country, sometimes it may be 33 per cent or it may be 40 per cent. That means that majority of the electorate opinion is not giving you support to rule the country.

Therefore, our party all along was saying that elections should be based on the principle of proportional representation, which is also called the list system. What are the merits? Merits are many. The main thing is that the country will be ruled by the will of the majority of voters, that is one thing. The second thing is that the significance of the caste or community of the candidates in election will not come into play. It will not be said that Balanandan belongs to this caste or this community. At the present moment, these thnigs take precedence over the party to which the candidate belongs, which is relegated to the back position. It is the party which should come to the forefront. If we follow the system of proportional representation or the list system, it will be the party which will come to the forefront. There are many other malpractices associated with elections, which come into play during the elections, all those should be eliminated. Therefore, all along, our suggestion has been that there should be proportional system of elections, which has not been accepted.

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We talk about so many evils of the elections, that is, muscle power, money power, and sometimes Government using its own power to scuttle the election processes, and at times, this process is interrupted. I may here give an instance as to what happened in the recent elections in Tripura. We can understand normal rigging during elections. But this is the latest and the only event in the history of elections in India. A candidate was declared elected by the authorities that he has been so elected: the All-India Radio broadcast that that man was elected: the Election Commission agreed that he has been elected. But the next morning we read in the newspaper that some other person has been elected. Can you imagine this thing? In the Tripura elections, a candidate who had been elected and so announced on the All India Radio and also agreed by the Election Commission was declared defeated the next morning. How? We don't know.....

(Interruptions)

The fact is that after the election result was declared, the Electoral Officer in charge was gheraoed and threatened not only by the goondas but by the para-military forces, the military forces at the disposal of the Central Government, so that this man was afraid for his life and he had to say that somebody else had been elected. That is the situation. Therefore, while we go into these questions and we make electoral laws or bring about fundamental changes in our Constitution, we should be above party lines and should see that no party should do anything against the law that we make in Parliament. This experience has not been taken into consideration by the Government while bringing about these amendments. It is not enough to say that muscle power or governmental power is misused during elections.

We have before us Constitution (Sixty-second Amendment) Bill, lowering the age 18 years. That is a good step. It has been said that they were discussing it all along. I do not mind what they had been discussing all along: I agree to this amendment. But here I must submit that our party has been making this demand years before. Not only that, we have even implemented it by lowering the age to 18 years, in our local body elections in West Bengal and Kerala. When this attempt was made in West Bengal to lower the age to 18 years, I must be frank here, a Minister in the Central Government today, went against it and he filed a case in the High Court. He then went to the Supreme Court against this lowering of age to 18 years....

AN HON. MEMBER: Who is he?

SHRI E. BALANANDAN: Not only that, the hon. Minister before introducing these amendments, had to move another motion in the Lok Sabha.

SHRI LAL K. ADVANI: (Madhya Pradesh): Someone from that side wanted to know who that gentlemen is.

SHRI E. BALANANDAN: Mr. Ajit Panja.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): He is a decent man and he wouldn't..

SHRI E. BALANANDAN: When this Bill was moved in the Lok Sabha, there was a Private Member's Bill in 1985 moved by Mr. Satya Gopal Mishra proposing to reduce the voting age to 18 years. That Bill was on the recor. Therefore, the hon. Minister moved a motion to suspend Rule 67 of the Rules of Procedure and Conduct of Business in the Lok Sabha saying that he is going to move a Constitutional amendment Bill. Therefore, the ruling party cannot claim an exclusive right in this regard. As I said, we had earlier made such a demand. We have been demanding this kind of a change. Therefore, we welcome this change.

In this connection, would like to make a suggestion to the hon. Minister. We are reducing the voting age from 21 to 18. But the eligibility for filling nomination as a candidate for contesting elections is 25 years. Should we not think of reducing this also? I suggest that this should also be reduced to 21. The argument put forward by the hon. Minister for reducing the voting age was that our youngsters have come of age and that they are politically conscious. If that is so, there is no reason why the Government should not agree to reducing the eligibility in relation to filing of nomination for contesting elections. All those who have completed 21 years of age should be given the right to contest elections. This kind of a change can also be thought of.

My friend who spoke from the other side, from the ruling benches, said that Government employees should also be given the right to contest elections as in the case of Great Britain. Our hon. Minister was saying that Britain is the Mother of Parliaments and we adapted many things from the British Parliamentary system. Therefore, I would make a request to the hon. Minister through you They can incorporate this in this amending Bill or they can bring forward another amendment. Government employees are voting. They are politically conscious. Therefore, they should be given the right to contest elections. If they contest and are elected, they will bring their experience of working in various Government departments to bear upon their legislative work. I support what Mr. Sukul has said. He also suggested that the Government employees, who want to contest elections, can be given leave for a period of five years or whatever the term may be. I support this demand and the hon. Minister may bring forward a suitabe amendment in this regard so that Government employees will have the right to contest elections and become Members of Legislative Assemblies and Members of Parliament.

Then, he suggested another thing. I support it. Sometimes, after elections, petitions are filed in the courts. They may be decided after five years or seven years. They are dragged on. In the meantime, the term of membership may be over. Therefore, this point also should have been taken into consideration while framing the legislation, based on the experience of the election system in the last thirty-eight years. We should set up a special court or a tribunal to go into election petitions so that they may be disposed of within a period of one year or, maximum, one and a half years. This should be considered at least in the case of Parliamentary and Assembly elections. Some machinery should be evolved for the expeditious disposal of election petitions.

Then, coming to money power. There has been a suggestions that there should be Government funding for elections. As somebody said, it may not put an end to all the amalpractiecs. The influence of money power may not be checked by this alone. But this can be a starting point. There are political parties who have a lot of money and connections with the bigs people in the country, industrialists and monopoly houses, who fund them for contesting elections. At the same time, there are other political parties who have no money at all. When persons want to contest elections, they do not have money. If the Government comes forward with necessary restrictions and stipulations that the Government would fund for the elections to that extent, etc., that will definitely go a long way in reducing the money pull, power of the money. By such an effort money pull can be reduced to a greater extent. Therefore, I suggest that Government funding for the elections ought to have been accepted by the Government. This could have salutary effects on lowering the money power in the elections.

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Then I find, certain wrong provisions have been included with regard to those committing wrongs during elections. They can be debarred or more punishment is given. In chapter II', sub-clause (3) of clause 4 it is stated:

> "A person convicted of any offence and sentenced to imprisonment for not less than two years other than any offence referred to in sub-section (1) or sub-section (2) shall be disqualified from the date of such conviction and shall be disqualified for a further period of six years since his release."

Sir, you can realise, we being political party workers of a special type, sometimes we are convicted for two years for making a speech. I have my own experience and if I am convicted for two years I cannot stand for election for six years. This is the provision being brought forth here. I do not know how this clause has been brought in. There are other clauses also whereby you can be debarred for moral turpitude or any other offence, but this clause has come in without any relevance. This type of wrong can be committed by any political leader. Perhaps Congress(I) leaders may also commit the same offence. (*Interruptions*). I do not know, but this is for their consideration.

Again in the same Chapter, sub-clause(a)(1) of clause 4, there is a wonderful provision. The penal provisions of the original Act were drafted during the British regime. During that period even class enmity was taken to be a punishable offence. In this provision it is said:

> "...sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes..."

"ill-will between classes" of a society can be termed like this. Suppose, I go to say a gate of a particular mill or factory and say that such and such employer is bad, etc. I as the workers to organise and fight against him. This can be termed as if I am creating ill-will between classes, the employer and the working class. So, this can be punishable. I myself have been the victim of this. Why should this be brought in here? This need not be brought in.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI HANS RAJ BHARDWAJ:) This provision is already there. We are not adding anything new.

SHRI E. BALANANDAN: I was making a suggestion.

SHRI MOTURU HANUMANTHA RAO (Andhra Pradesh): When you are making all these amendments, he says that this suggestion also can be accepted.

SHRI E. BALANANDAN: I think the Minister is convinced about my argument. Therefore, he wanted to correct me about the originality or otherwise of the provision.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Which clause are you referring to?

SHRI E. BALANANDAN: It is there in Chapter III. You see clause (a), sub-section(3).

SHRI MURLIDHAR CHANDRAKANT BHANDARE: That is over now.

SHRI E. BALANANDAN: Section 505 is there.

Then coming to the question of registration of political parties, why do we registered the political parties I do not know. Anyhow it is stipulated that

the Preamble of the Constitution says so, so you should agree to socialism etc. It should be a condition for all the political parties and they must agree to that before getting themselves registered as a political party in the country. They must agree to the Preamble of the Constitution. What is wrong with that? I have no quarrel about it. I am only saying, am I to say the truth or you want to promote untruth together with it? Mr. Vice-Chairman, there are many political parties which are against socialism as such. They are against the very word even. Are you going to debar them?

SHRI SUKOMAL SEN: It is only a lip service they are paying.

SHRI E. BALANANDAN: They are going to make a statement that since the Constitution is like that, since the election law is like that, I write a petition to the Election Commission saying, "I agree with this provision". Our learned Minister need not bring this kind of an amendment, asking one to say a wrong thing which he does not believe.

SHRI SUKOMAL SEN: They do not believe in it.

SHRI E. BALANANDAN: I mean, why do you make people commit a mistake?

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): So you do not want this clause?

SHRI E. BALANANDAN: I only say that this provision need not be there. I am for socialism. (*Interruptions*). For contesting the election and for registering as political party, you are asking other political parties to say this. There are political parties which are opposed to socialism. You are alive to that fact. Now they have to contest the election. Even though I am a communist, a socialist—excuse me I did not hear many of you—my point is this: here we are making a law. We understand each other. So I say that this provision about registration is not necessary, according to me. If at all registration is necessary, then this kind of stipulation may not be essential or necessary, according to me.

Then coming to the question of officers engaged in the process of elections. According to the Bill, he should be completely under the control and discipline of the Election Commission. Just before coming to that, I want to say something about the Election Commission itself. The Election Commission, as I told you, must be completely neutral. If I want to become the Election Commission of India, today, the position is that the Central Government should approve it, then only he can be so. What I am submitting is that the process of selection of Election Commission should be changed. A suggestion was made by my hon. friend who opened this debate that there must be a mechanism by which the Election Commission should be appointed—that is, the Chief Justice, the Prime Minister in consultation with the Opposition a man should be appointed. And it would be better if the Election Commission is a three member Commission. One man may be very good. I do not find fault with a single man. But three among themselves will be all the more good. Therefore, we want to make the democracy full and the fullest. So the Election Commission should be neutral. Tomorrow my party may or may not come to power. What I am saying is that the Commission should be independent. How can we do it? "Independent" means, there must be a mechanism by which selection can be done. I am suggesting that the chief Justice and the Prime Minister in consultation with the Opposition, may do it. That is the point.

After this is ensured, then comes the question of officers. I do not

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know what is the mechanism by which the officers are being chosen. That is not specifically stated in the amendment. It is only stated that they must work under the complete control of the Election Commission. So, my suggestion would be like this: These officers should be appoinetd, for election work, with the concurrence of the State Govenrment. Election work has to be done by them. State Governments are State Governments, and we cannot wish away all the State Governments. You should not think that all the State Goernments are always in the wrong and only the Central Government is in the correct position, etc. These kind of assumptions are wrong, I submit. Therefore, my suggestion is that officers and men who are working for election purposes under the Election Commission must be chosen with the concurrence of the State Governments.

Then comes the question of law and order. At some places the experience is bitter, that is, the Tripura experience. Sometimes the military is called. The military is not supposed to interfere, ordinarily, in the law and order business. They are above thkat First of all, they should not be called. Secondly, if any para-military force has to be called to conduct an election properly, it should be done only with the concurrence of the State Government. I am saying this from experience. This should be so because the Election Commisson cannot keep a permanent machinery for election work alone because they go to the State only for that period. That is, during the course of five years, they go there only for one month and for the rest of the period they don't have to do anything. But the State Government knows how the place is, what the law and order situation in the area is—they are on the scene—and, therefore with their concurrence on this qustion is a must because they know better than anybody else.

Certain things about booth capturing, etc., are suggested here in this Bill. My humble submission is, by law alone it cannot be prevented. I don't know. The contesting political parties should have some kind of understanding. The law of the land with regard to use of this kind of muscle power should be strict and nobody should be allowed to encroach upon the right of the people to vote freely. Free voting should be ensured by whatever law you make. I am not against any law for this purpose. But my submission is that a fool-proof law cannot be brought about for this purpose.

Sir, before I conclude I would like to say one more thing.... (*Interruptions*)...Today, elections in the country are being managed by money and those who are having money are able to do anything. nother thing is, religion. caste and communal alliance are coming into play in a big way durring elections. Therefore, is there any attempt on the part of the Government to see that communal and casteist passions are no roused during elections? They should not be Governments. You should not think under the Election Commission must order business. They are above that. area is—they are on the scene—and,

Certain things about booth capturing, able to do anything. Another thing is, allowed to have a plank in the elections. So, such parties which raise these kinds of things and try to cash on these kinds of feelings—religious and communal feelings—have some how to be restricted so that these inds of malpractices in the elections can be stopped. Thank you.

3.00 p.m

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Mr. Vice-Chairman, Sir when I rise to support this historic Bill, I must first pay my tribute to that, maybe faceless, maybe poor, maybe illiterate voter that citizen of India who has made democracy in our country envy of the entire world. I remember. when we were young, there was this talk on "Why have universal franchise?" Many talked on it. I personally got very

much irritated. Many talked that only graduates or educated people should be the voters. But, I think, the founding fathers of our nation, knew well that they could trust the people, they could vest the power under our Constitution in our people. And I have not seen more wise or more effective or more sagacious exercise of that power. They may be illiterate, but certainly not ignorant. They may be poor but yet they are well informed. They have not only preserved but flowered democracy in this region of the world while it withered away in many neighbouring parts. It is only the continuance and flowering and blossoming of democracy in our country which is bringing democracy back to its rails in various other parts like Pakistan and Burma. So, I start with a tribute to that voter.

The second important aspect which I must note is that the Lok Sabha has voted this Bill unanimously. That is a very very healthy sign, and that, if nothing else, should satisfy the non. Member. Mr. Gurupadaswamy, this is really a historic event and a revolutionary event apart from other things which made this Bill really historic and revolutionary to which I will refer a little later.

The third thing which I find with some gratification here is that the entire Opposition was consulted. The exercise has been gone into, and that is also a very very healthy measure which the Government has taken, for which the Prime Minister and the Law Minister deserve special congratulations.

The point which however, I am making is that we have adopted the British parliamentar form of government, which means that you ought to have a two or three party system. Unfortunately, and I say it with the greatest regret and no animus because I am incapable of any animus or hurt for that matter, I find that the Opposition has not lived up to its role in all these 40 years. It has not tried to combine at all on issues, on principles. They have always been a divided house. If one were to look around what is happening, one shudders, almost reaches a point of despair as to whether there will be ever an occasion for the Opposition to end their personal and selfish ends and rise to the occasion. I do not want to say it but today in the whole process the Opposition has become a laughing stock and ridicule of the whole nation. So, this is the responsibility of all of us because this is a very very appropriate time for everyone of us for introspection, for self-reflection, and when I come to that...

SHRI LAL K. ADVANI: In some other debate this point would have been relevent...

SHRI MURLIDHAR CHANDRAKANT BHANDARE: It is relevant.

SHRI LAL K. ADVANI: ...but not on this issue of electoral reform on which there is so much consensus in the Opposition.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: (*Interruptions*) Because when we come to other suggestions like the proportional representation, then at least it becomes very relevant. (*Interruptions*) I know, you may find that it is irrelevant, but the fact is there that in the system of democracy we have failed to have two or three strong parties, which can offer an alternative to our ongress. As a result you find regionalism is growing as a result you find communalism is growing. If there were these national alternatives, I think, the people would not look to other things. (*Interruptions*).

Now, that has been said is that this Bill is a very imperfect Bill. Now all laws are imperfect. In fact, they are ideal in their imperfection. The hon. Member, Mr. Jethmalani is here. It

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is not as if that all crimes will disappear from the society the moment you enact the Indian Penal Code or the other law which deal with crimes. Therefore, laws have to be imperfect, but they must also bind the parties to certain conduct, to certain behaviour, to certain standards, to certain norms, which are the pre-requisite and foundation of democracy. And if you see that these norms of democracy are sought to be strengthened by these Bill and by these measures these are welcome.

Now, I first come to the age of voting which is the Constitutional amendment. This is one which has been accepted by all sections. And the very fact that in my part this age has been there even for municipalities and other things, goes a long way in showing that we should not go into this. I think everybody was interested in it because people or citizens younger than 21 years have gone to jail during the independence movement. At least I was in that movement when I was much below 18. And I see no reason, when you can be a soldier, when you can be a graduate, when you can be everything how can a man of 18 be denied this right. I think by this one stroke two crores and fifty lakhs of voters will be added and yet you are saying that this is not a historic Bill, this is not a revolutionary Bill. (*Interruptions*) I heard hon. Gurupadaswamy saying that he was surprised that the Prime Minister made a statement saying this is historic and revolutionary... (*Interruptions*). I am only responding to what hon. Gurupadaswamy said e said it and I want to echo what has been said. This is historic where it serves the aspirations of...

SRI LAL K. ADVANI: He is correcting you on figures. He said voters likely to be added are 4.5 crores to 5 crores.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Advani Ji, it is all estimate.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I will tell you the position is like this. I don't know how you read it. As can be seen the percentage increase in five years betwen 1980 and 1985 came to about 10 per cent or three crore and sixty lakh new voters. Projecting a simliar increase—that was when we were 21 years—in 1990 elections the total number of fresh voters would be about four crores. That is those who will come now to the age of 21 years. If the voting age were to be lowered to 18 years, this increase would actually be 16 per cent. In other words, there would be six crore and forty lakh new voters, out of which four crores are of 21 years and an added strength of two crores and forty lakh voters will be that of those between 18 years and 21 years, thereby bringing the last figure in the total to 4 crores and forty lakhs. (*Interruptions*). I am merely giving you the source of my information. I have not calculated it I may be wrong, but this is how I have checked on it. So I don't like to speak on this. This is so far as the age of voting is concerned Next I want to say that our is the first-past—the post system. Therefore, we have chosen a relative majority. We have not chosen absloute maiority and, I think, this system has worked well. But as long as you have many parties like that and in a country like ourt, I think, there is no basis for a demand either for a system of proportional representation or the list system. It will only result in a very unstable Governments. It will affect the stability in very, very large measure. That brings me to the topic of State funding. Now I want to deal with this aspect at some length. Nobody should be under any misapprehension that finances can win any elections.

I have been seeing elections from 1972 and have actively been in those elections. I had the occasion to canvass for the poorest of the poor candiates. If this was true many of the industrial magnates who fought and lost their deposits would have come today. Many of the Maharajas with all their feudal influences, wealth...

DR. G. VIJAY MOHAN REDDY (Andhra Pradesh): They came.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: If some of them have come, they have only come when they stood under the banner of one party or the other. I can tell you, money-wise, the biggest money-bag in those days used to be the Swatantra Party and you can find that it is totally obliterated from the national scene. Therefore, money power does not work. In 1977 or 1980 it showed that money power, State power has a very, very limited, very, very marginal impact. If we say that our voters can be purchased by money, then, it is insulting our electorate system. Our voter is a honest person. There is one other aspect which I would like to say that money influences not the elections but it influences the future Governments. It has some sort of vicious control over those who get elected and that is undesirable.

SHRI LAL K. ADVANI: That is still worse.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I agree. But they don't put it on the ground on which you are putting it because I want to support that voter.

Then, comes the question of State funding. Should we do it? My answer is "no". I will tell you, why. In the first instance if you adopt any measure that the State funding will be on the basis of the party representation in Parliament and in Germany it is about 25 per cent, you get about 75 per cent of the expenditure ceiling on the basis of the votes polled, what will happen? It is against the Congress party itself. If such a State funding on such a basis which is of a permanent character on a reasonable law which is accepted in were to be adopted, 90 per cent of places like Sweden and Germany the 75 per cent of the allowed expenditure will come to Congress(I) party. You will get nothing. The Opposition will get nothing. Then, you will say: "What have you done? You have brought this measure only for yourself." Therefore, this is one aspect of the matter for not accepting it. We have affected our own interest.

SHRI M. A. BABY (Kerala): If you hold the next Parliamentary elections then this problem would be solved.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: You go on hoping. I cannot stop you from hoping. I cannot stop you from hoping. But your hopes will be belied. You can go on hoping.

Next I come to the other point which is that I have no confidence at all that any candidate belonging to any party will stop only using the funds which are made available to that candidate by the Government. I think the pernicious fund collection will continue whether you like it or not. It will be a doube burden on the citizens and I don't think that we should encourage such a system at all. Therefore I personally feel that there is no scope as long as there is such proliferation of black money. As I said earlier, I was one of those who fought years back for abolition of the contributin to the political parties. When contributions were permissible—now it has been changed—at least people paid by cheques. Today, they are paying under the table, as a result of which black-money has proliferated which affects the morality of politicians in a very

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bad way. Therefore, I am not in favour of this unless you control black money.

Then I come to the question of booth-capturing. If one goes into the history, one finds out that one particular section of the Opposition has almost a finesse at booth-capturing. Not you, Mrs. Renuka Chowdhury. (*Interruptions*). Whether you like it or not, you will be surprised to know it. It is a fact that Harijans, with tears in their eyes, in some constituencies, are telling me that they have not seen a ballot paper in their life-time. (*Interruptions*). Please, do not laugh over it. It is a reality. Tomorrow is Saturady. (*Interruptions*).

श्री राम अवधेश सिंह (बिहार): यह आपकी सरकार के लिए शर्म की बात है। 40 साल में हरिजनों ने वोट का मुंह नहीं देखा यह कांग्रेस सरकार के लिए शर्म की बात है।

उपसभाध्यक्ष (श्री जगेश देसाई): आपको सपोर्ट करना चाहिए।

श्री राम अवधेश सिंह: यह तो कांग्रेस सरकार के लिए शर्म की बात है।

उपसभाध्यक्ष (श्री जगेश देसाई): आप जैसे सपोर्ट नहीं करेंगे तो कौन करेगा.. (**व्यवधान**) आप तो लोहियावादी हैं.. (**व्यवधान**)

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I know that they are trying to do this casteist politics to annihilate the poorest of the poorest, the lowest of the lowest. But I tell you, you will not succeed. And therefore, I welcome this measure on booth-capturing. It is a good step.

श्री राम अवधेश सिंह: मेरी कांस्टीटुएंसी में बड़ा जरूरी है।

ठाकुर जगतपाल सिंह (मध्य प्रदेश): जब तुम्हारा नम्बर आयेगा तब बोल लेना।

SHRI MURLIDHAR CHANDRAKANT BHANDARE: When it comes to electronic voting, I must emphasise that you must make a provision that as soon as there is booth-capturing, the Returning Officer, the Presiding Officer, must be in a position to put off the whole electronic device so that the whole voting comes to an end there. It should not be that somebody can go and start pushing the but on any number of time. Therefore, I would suggest, instal machines in polling booths which are prone to booth-capturing. You do not have to instal a single electronic machine in Maharashtra. Please go on putting it up at places like the one from where my hon. friend, Shri Ram Awadhesh Singh, comes. They are necessary there. (*Interruptions*).

Then I come to independent candidates. I wish something could be done about it. Sometimes, the ballot papers contain the names of a large number of candidates. Even in the Prime Minister's constituency, last time, there were 96 candidates and the ballot papers could get into the ballot box only with great difficulty. It is not fair even to the voter that he has to look to all the 96 things before he could cast his vote. In fact, there is an example. When there were 300 candidates once, the voters had to be told, "This is the ballot paper and not a poster." I think something must be done to change this position. But that will have to wait.

There is one matter of gratification for me which I must mention. In 1987, I myself moved two Bills to separate religion from politics. One was a Constitutional Amendment Bill and the other was a Bill which also

included a change in the Representation of the People Act. That was introduced in February, 1987. It does not always happen that a private Member finds that a Bill introduced by him is officially accepted later on. I am glad that firstly it has been accepted in the Religious Institutions (Prevention of Misuse) Act, 1988 which was passed in August, 1988. And I am very happy secondly that my esteemed friend for whom I have the highest regard and affection, Prof. Dandavate, moved that amendment to clause (h) of Section 4 of the present Bill. I welcome this measure. It is necessary. In view of the fact that I had introduced it a year and a half or two years earlier than the present Bill, it is a measure of some personal satisfaction to me.

There were one or two points which I wanted to make. One suggestion is about Government servants. Now it is based on two things First of all, there is a conflict of interests and duties. We cannot allow even people who are having contact with Government to contest. Also, when they get elected, will they give up their job or will they come here? (*Interruptions*). Don't be carried away; nobody is taking away his right if anybody wants to get into politics, but it must be at some sacrifice. Let them give up their jobs. Nobody prevents them from getting into politics. I don't think we can permit them otherwise under our present system where we have even banned the use of gazetted officers or their participation in the elections on behalf on a candidate. It is a very serious question. Then I also find that there can be some improvement. We have added a host of such offences and they are welcome. I know it is difficult to punish and it is difficult to get anybody convicted. What about tax-dodgers? I don't find it, the FERA. People dodge taxes, they go for amnesty, they go for apologies, to escape prosecution. Why should they be allowed to contest?

Then I find that there should be a limit, an outer limit, to the completion of any by-election because I personally feel that no constituency should go unrepresented for an indefinite period of time except, of course, where there is an emergency or where there is a situation as in Punjab.

Then I would suggest multipurpose cards. What I suggest is that these multipurpose cards, as has been rightly pointed out, need no amendment at all. But let us synchronise, give them electoral numbers; each card will contain a computerised electoral number and then it will really help in solving the problem of impersonation or booth-capturing or many of the evils.

There is one word about election petitions. They have become meaningless, redundant. I must tell you that in Maharashtra we get hardly one or two election petitions because elections are free and fair. And such minor diversions or disgressions into the realm of illegality are a part of the game. I think everybody breaks the rules to that extent and it is accepted and ultimately the electorate's verdict should become final. So, simethings should be done. There should be less election petitions and they should be disposed of in time. I have no doubt at all that free and fair elections have come to stay. This is an institution which we must protect, which we must strengthen. We must strengthen all institutions. We must strengthen the institution of Parliament, we must strengthen the institution of courts, we must strengthen the institution of executive, the breaucracy, and we must never go against the system. And to the extent that this is a measure which in a very remarkable degree, in a significant way, goes towards strengthening the most important aspect of our life, namely, the democratic way of lief, democracy which is based on equality, not only political, but also economic and social, which is based

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on equality of opportunity, I think it should be welcomed and I think the Government has gone all the way and there is nothing halfhearted about it. And whatever has been left out is really a matter of debate, a moot point where two views are possible, and it cannot be attributed as an omission on the part of the Government.

With this, I once again repeat my tribute to the great Indian citizen who...

SHRI SATYA PRAKASH MALAVIYA: What about the registration of political parties? (*Interruptions*)

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Personally I always feel that the registration of political parties is welcome, because today what happens is, as I was told by one of my colleagues here that there is no constitution for most of the parties then there is no democracy, no internal democracy... (*Interruptions*)

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): You have no membership and no elections.... (*Interruptions*) Why do you speak about other parties?

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I am putting across all party lines... (*Interruptions*)

AN HON. MEMBER: You are in a soup. (*Interruptions*)

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I am not in a soup. My party is not in a soup. Not at all. We have brought the measure. We have... (*Interruptions*) I cannot really satisfy my friend, hon. Advaniji. But the fact remains that I am also in favour of the accounts of political parties being audited and filed somewhere. Therefore, those who want to support it, let them... (*Interruptions*) But I am not the one who will support it in any form, and I think the House will to a man rise and support me in these things. But, unfortunately, the difficulty is that somewhat or other some very undesirable elements get into in politics and then there is a cleavage between the people's representatives and the people themselves. And they can be removed only if we put our faith in this institution of democracy.

Thank you.

SHRI PARVATHANENI UPENDRA: Mr. Vice-Chairman, Sir, I rise to wholeheartedly support the Constitution (Sixty-second Amendment) Bill and express my great disappointment over the Representation of the People (Amendment) Bill.

Before I come to the second one, I would like to say a few words about the Constitution (Amendment) Bill which has been widely welcomed. There is nothing for the Congress Party to gloat over this or to be boastful about this. Many non-Congress Governments had already reduced the voting age from 21 to 18 for their local body elections and the Congress Government never talked about it until the National Front included this item in its 71 point programme. Even then, I know what went behind the curtain in the Congress (I) camp. There were people who were telling that the Prime Minister had been unwittingly led into the trap because the crores of youth who have been betrayed by this Government, who are now in a frustrated mood today, are itching for an opportunity to give a youthful kick on the back of this Government and show the door to it. I am sure this will happen. Therefore, some well-meaning friends of the Prime Minister, who would like to give him his well deserved rest next year, have made him to agree to this. Therefore, we are very happy that this has been done.

But we would like to test the sincerity of this Government because much more has to be done in this case.

Even after the Constitution is amended, half the State Assemblies have to ratify it and after that the Representation of People Act, section 19, will have to be amended again. That means, if they go by this standard, until the next session it will not be passed. Unless that is passed, the enrolment may not start. Therefore, this is the test for this Government. They should make all the State Governments belonging to the Congress Party ratify this amendment by January and then call a special session of Parliament in January itself.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Of the Assemblies.

SHRI PARVATHANENI UPENDRA: Assemblies also in the earlier part of January. They should call a special session of Parliament to amend section 19 also. They will say that this Government is sincere. Otherwise, this is another trap which they are trying to lay for the youth of this country. They will not let them go away with it The non-Congress Governments will ratify this Amendment in January and then this will be a test for the Congress Governments.

Sir, now I come to the second Bill. This is just like bringing out a rat after digging a huge mountain. We have been talking about these electoral reforms for 20 years. In fact, the struggle for electoral reforms has become an integral part of the general struggle for strengthening our parliamentary institutions. Several committees have recommended it The Election Commission made wide-ranging recommendations as far back as 1967. Then the Santhanam Committee on Prevention of Corruption recommended in 1964 that the role of money power should be reduced. The Wanchoo Committee recommended it in 1973. Then the Tarkunde Committee made several recommendations. On top of all of it, Lok Navak Jaya Prakash Narayan presented the people's charter to the Presiding Officers of the Lok Sabha and the Rajya Sabha on March 6, 1975. So, this has been pending for 20 years. Even if you leave the earlier commitments of the earlier Governments, this Government headed by Mr. Rajiv Gandhi, in its first policy statement in the form of the Presidential Address to the Parliament in 1985, clearly stated:

> "The Government are committed to a clean public life. They intend to initiate wide-ranging discussions on electoral reforms with political parties."

This was in January 1985. In the same year, in the Bombay session at the time of the centenary of the Congress Party, when the image of the Prime Minister as Mr. Clean was still intact, he also said so many things about electoral reforms. But nothing has been done all these years. Suddenly, the Congress Party woke up during the last 2 or 3 months. They appointed a committee and hurriedly adopted something. The P.C.Cs. were asked to recommend. The P.C.Cs. sat and passed resolutions. The opposition parties were called one by one to offer their suggestions. Like innocent people, we went and made very wide-ranging suggestions about electoral reforms. After seeing the Bill we realised that we had been befooled. The Bill was ready four months ago. After the Haryana by-elections, when they thought that some injustice was done to the Congress Party they drafted the Bill hurriedly. At that time, their concern was only with booth capturing. Subsequently, they added electronic machines in 150 constituencies.

SHRI HANS RAJ BHARDWAJ: Upendra ji, I think you are saying with all responsibility what was drafted and what was added later to it. You say it with all responsibility. But what you are saying is wholly wrong and totally incorrect.

SHRI PARVATHANENI UPENDRA: I do not want to embarrass you.

SHRI HANS RAJ BHARDWAJ: I will save you from embarrassment.

SHRI PARVATHANENI UPENDRA: Mr. Vice-Chairman, Sir, the only thing they have added is the registration of parties and the electronic voting machine. These are the only two things they have added to the original one. This is the thing they have produced. So, all these consultations with the opposition parties were a sham and a show. We did not know it. We thought that the Government was serious and that they would formulate their opinion and prepare a draft Bill. We requested them to call all the opposition parties when the Bill was ready. It was not done. And suddenly they have brought forward this Bill. We have been telling about so many ills which bedevil our electoral system and one of them is the muscle power. That has been tackled only partially in this Bill. But there are so many things which had to be rectified. For example, I will list a few. One aspect is the use of money power and lack of resources for genuine candidates. Then the second one is impersonation. The third one is the misuse of Government machinery and the media. The fourth one is the presence of non-serious candidates. The fifth one is the parties coming to power with a minority vote but with a majority of seats. Then the sixth one is the non-adherence to the code of conduct by the political parties leading to low level of campaign. These are some of them. These are the ills left untackled in this Bill. There is no mention about any of these aspects in this Bill. And as many of the hon. Members know, in October, 1987, on the 24th and 25th of October, 1987, Mr. N. T. Rama Rao convened a meeting. He took the initiative and he convened a meeting in Delhi on electoral reforms in which 22 parties were invited. Congress party was also invited. And the Congress General Secretary, when he was invited, he refused to attend telling that "this is all politically motivated." But all the 22 parties which were present there, prepared a charter, containing 18 suggestions on electoral reforms. And many of them do not find a place in this Bill. We sent a copy to them, but none of them has been considered.

Then, Sir, if you take the Bill, before I dilate upon the missing items, I would like to deal with one or two Clauses which I consider serious. We are firmly opposed to Clause 13CC and Clause 28A. These are encroachments on the powers of the State Governments. They will lead to dual authority in the States and highly mischievous. And we are opposed to Clause 6 relating to the registration of political parties. There is no need. The Government has to explain why such a registration is necessary. There is already one order—the Registration and Allotment of Symbols Order, 1968, for which the parties have to give all the details which are now enlisted in this Bill. Why do you want a fresh registration? You have got three categories of parties—recognised national parties, recognised State parties, and registered but unrecognised parties. What does it mean? The Election Commission has got three categories of parties—recognised national parties, recognised State parties, registered but unrecognised parties. That means, already registration is there. Once the party approaches for a symbol, it is registering itself, with all the details which you wanted. The parties have a security there. Once they secured four per cent votes, either in the State or in four States, they have to be recognised as a State party or a national party, as the case may be. And the Election Commission has to allot the symbol. But here you are giving the final authority to the Election Commission whether to register or not to register. You are giving the full authority to this Commission. For what? What is the return you are giving to the political parties? Are you giving them some State funding? So, for what? And you have not even specified that if a party is not registered, it will not be allowed to contest. That is also not there. There would have been some meaning if you said that unregistered

parties will not be allowed to contest. What for have you put this Clause unless you have some ulterior motives to delay registrations, to put parties in trouble and to unrecognise or derecognise certain parties. There must be some motive behind this. You have to explain, the Minister has to explain. Because I am telling you, the AICC has sent a Draft to all the PCCS. And we have a wonderful PCC there in Andhra and we see many of the leaders here in the Treasury Benches.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): Are you allergic to it?

SHRI PARVATHANENI UPENDRA: No. That Congress Committee, the Andhra Pradesh Congress Committee in its reaction said, and I am quoting from what they recommended of course, fortunately, the AICC rejected it; that is a different matter: "Political parties basing their philosophy only on language, religion or region, leading to separatist tendencies, should not be recognised by the Election Commission as such parties have tended to lead to disintegration of the country". That is the recommendation of the PCC. I am telling you why such doubts come. If this is the type of thinking which the ruling party has got about the political parties and the Opposition parties in the country, you are arming the Election Commission with so much power to register or not to register which is highly mischievous and objectionable. Then I come to the missing items. One is about the ceiling on election expenses. See how arbitrary, unrealistic the ceilings are today. The first thing which an MLA or an MP does is to file a false return because you put the ceiling in such a low level, incredible level, that nobody can manage within that, and as a result everybody files a false return. Therefore, there is need to upgrade these ceilings. Minimum for the Assembly, this must be Rs. 50,000, and for Parliament, minimum must be Rs. 2½ lakhs or Rs. 3 lakhs, or whatever it is.

Then the second thing is the State funding. Many said it is impracticable. We have calculated, it is not even costly. Even if you give Rs. 2½ lakhs for a candidate, assuming that there are four candidates in each constituency, and if you calculate that it will come to roughly, I made the calculation, it is coming to 2½X 4 or 5X540, it comes to Rs. 55 crores for Lok Sabha. It is a pittance, if you compare it with the amount that is spent by the Congress Party on its own candidates itself, Rs. 55 crores is nothing. Some said, it will be an additional thing for the candidates. But you should completely ban funding from any other source. And there should be a disqualification if he collects from any other source. I gave a note to the Law Minister also. The Government of Andhra Pradesh drafted a Bill on State funding and it is before the Select Committee now. It could have been passed but the other parties including the Congress Party have not cooperated. We have put every detail there about State funding, how much should be given as an advance, how the final account has to be settled. A candidate who gets his security deposit, only he will get the reimbursement. Otherwise, he has to refund the advance. The political parties have to undertake that. Simultaneously, to reduce money power if you just put the ceiling, and have State funding it is is not enough, you have to put limits on each item of campaign, number of posters, number of banners, number of meetings, number of microphones to be used etc. In all these items you have to put the ceiling limits and enforce them strictly. Certain items you should ban, cut outs, neon signs, etc. there is no need for them. For example,

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camp officers are put up in each street. You should ban them. There is no need for them. Then offices at the polling booths. Why should they be there on the election day? Let the Government give the slips. Therefore, unless you ban certain items and put limits on other items of expenditure, you cannot enforce the ceilings. Otherwise State funding will be meaningless. Or you can give in kind also. Some people suggested that it can be given in kind also. For example, you give facilities for meetings with microphones at a common place, you give them time on the radio and TV, then you give them a certain number of posters, you give them a common design and their name will be printed. You give them certain number of vehicles or give them slips for petrol. This also can be done. Or postage for writing letters. You can start with that also, if you do not want to give any cash; you can give in kind also.

Then another thing which is missing in the Bill is about the non-serious candidates. Everybody is feeling about it. Sometimes the ballot papers are so long you require additional symbols, you require additional ballot boxes. It has become a nuisance now. And most of these independent candidates are set up by political parties themselves, particularly the ruling party, because you get the advantage of additional polling agents, additional counting agents, you can use them to intimidate the voters inside the booth or create disturbances in the counting centres, or you can take the facilities which a candidate gets from the election authorities... (*Interruptions*). I I said political parties, mainly the ruling party.

SHRI V. NARAYANASAMY: You have a better experience of it.

SHRI PARVATHANENI UPENDRA: Therefore you have to restrict certain facilities of independent candidates. The Supreme Court has upheld that when you passed the Punjab Act. It is possible. You can put reasonable restrictions on independent candidates. Certain facilities you need not give and certain facilities you can give only for candidates of recognised parties.

Similarly, Sir, the security deposit amount should be raised steeply, not only considerably, but steeply to preclude any non-serious candidate coming into the picture. I suggested this because, after all, the parties are spending much more on each candidate and if I say Rs. 25,000 for the Parliamentary election and Rs. 15,000 for the Assembly, it is reasonable. If there are genuinely poor candidates let the nationalised banks advance him the money with proper security. If the candidates is able to secure one-sixth of the votes, he can pay back the money to the banks, and if he is not able to secure the minimum number of votes required, you can always recover the money from him through court action or by auctioning his property. Therefore, we have to introduce some such measure to reduce the number of independents.

Then there is another serious problem which has to be tackled and that is about impersonation. This problem has not been tackled at all in the Bill. Even your electronic machines will not stop impersonation. The only solution is introduction of multi-purpose photo identity cards. You have to introduce this system. I wish the Government had introduced it at least as an experimental measure in some States, to start with. The cost may be prohibitive, but the person also can be asked to pay a certain part of the cost because it is a multi-purpose identity card; he can draw rations; he can produce it for getting bank loans; it can be used for issue of birth certificates etc. This system of issuing

photo identity cards prevails all over the world and all citizens carry them. It is only in this country that we do not have them. In many neighbouring countries, they have the identity cards. Therefore, this must be introduced. Government should not hestitate to incur expenditure on it. That will serve many purposes from the Government's point of view and also from the security point of view. Therefore, this should be introduced.

The Election Commission mentioned and recommended several times that certain things must be included as corrupt practices and the Government is not bothering about it. For example, I quote from the recommendations of the Election Commission; they wanted these to be included in "corrupt practices". "Ministers shall not combine their official work with electioneering work and shall not make use of the official machinery, personal or government vehicles, for furtherance of party work." Then, "Ministers and other authorities shall not sanction or grant payments out of discretionary funds from the time elections are announced. Ministers and other authorities shall not make any promises to the electorate on construction of roads, provision of drinking water facilities, etc., which may have the effect of influencing the voter." Then, "Issue of advertisements at the cost of public exchequer regarding achievements shall be scrupulously avoided." It is also said: "Public premises such as maidan etc., shall not be monopolised by the ruling party for holding election meetings. Rest Houses, Dak Bungalows and other government accommodation shall be allowed to be used by other parties also." But nothing has been done in this respect. Supreme Court also said in one of the cases that some other actions, including announcement or disbursement of discretionary grants by the government on the eve of elections, must be included in the "corrupt practices".

Then, there should be a ban on use of official cars, planes, helicopters by anybody, without exception, including the Prime Minister. You can hire if you want. Why should the Prime Minister use Government Air Force helicopters or planes? And in the name of Prime Minister dozens travel along with him, all Pradesh Congress leaders and campaigners. Therefore, that should be completely banned.

Then about radio and television. You don't trust the State Governments. You want their polling officers and police officials to be under the control of the Election Commission. You have great faith in the Election Commission, but we don't. But you do not trust the Election Commission when it is a question of giving them power over radio and T.V. We want that during the election period, from the date of notification to the declaration of results, let the T.V. and the radio be under the supervision of the Election Commission, at least the News and features part. You have your dances and music and all that under your control; we don't mind. But the rest of the programmes must be under the supervision of the Election Commission and a man of the Election Commission may be there to allot time and see that fair coverage is given to all parties.

Then comes the question of multi-member Election Commission. Of course, the Government has not rejected it but they say it is there already under article 324. But they can indicate because it is not included in the financial memorandum. The Financial Memorandum does not say whether they propose to do it or not, but let the Minister tell us. Of course, there is a lot of work with the Election Commission; their work-load has increased over the years. All Chief Election Commissioners have been successfully rejecting this demand and althrough, every Chief Election Commissioner has said, "no, no, it is not necessary; there is not enough

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work", because he does not want to lose the exclusive authority over the Commission.

But you need not go by that.

Then, in regard to appointment of the Election Commission also, the Opposition has been unanimously demanding that the mode of appointment must be changed at least to make it more objective. Let people trust it. After all, the whole fabric of democracy depends on the impartiality and independence of the Election Commission. Not only Caesar's wife should be chaste but she should appear to be chaste. People should have confidence in the Election Commission. Why should the Opposition parties say that Election Commission is acting at the dictates of the ruling party? It is not correct for you to say that we are not responsible when we say like that. Most of the things done by the Election Commission are like that. In the case of the pending byelections to Parliament and State Assemblies, we have seen what they have done. Is there any rationale, is there any reason, for the postponement of byelections except that it does not suit the Congress Party, it is sure to lose the elections and that it will set the trend for the coming general elections? What a funny reason has been given! They say that the State Governments are busy with the rehabilitation work in connection with drought and floods. Where is drought now? What a funny reason! In each State, for one or two byelections, it is not possible to make arrangements because they are busy! What are they doing? They are doing nothing else. Most of the Chief Ministers are camping in Delhi. All your Chief Ministers are here. And you say that they are busy and they cannot organise the byelections. It is a shame. We cannot take this argument.

THE VICE-CHAIMCAN (SHRI JAGESH DESAI): Four minutes are left.

SHRI PARVATHANENI UPENDRA: Sir, I do not want to go into the other aspects. There are suggestions like, for example, proportional representation. We have to go into them in depth. But I suggest that polling must be conducted on one day in each State and we should also revert back to the system of holding of elections simultaneously to the Lok Sabha and State Assemblies. But under that pretext, do not postpone the Lok Sabha elections, for God's sake.

In the case of the local bodies also, we should fix the term and election schedule. We can amend the Constitution, if necessary, for this purpose. Then, revision of electoral rolls must be done annually. Election petitions should be disposed of within six months you make it mandatory. Political parties must be made to conform to a code of conduct. We can discuss this and evolve a code of conduct and then stick to that.

Lastly, delimitation of constituencies. Of course, it is difficult now. But we have been telling the Prime Minister repeatedly. Reserved constituencies should be rotated on the basis of the 1981 Census. You can do it without delay. Rotation should be done because there is a lot of heartburning on this point. Some constituencies continue to be reserved for decades together. Therefore, if this can be done without delimitation, this should be attempted.

In the end, I would appeal to the Government. Though you have rejected all the amendments, at least keep an open mind. Don't close your mind. This Bill is not the final thing on this. We have to go a long way in reforming our electoral system. When you bring the Bill to amend section 19 of the Representation of the People Act, please include all these suggestions and bring a comprehensive Bill

so that we can all work together for the success of our democracy of which we are all proud. Thank you.

SHRI SHANKARRAO NARAYANRAO DESHMUKH (Maharashtra): Mr. Vice-Chairman, Sir, I would like to congratulate the Government on having applied its mind to the spirit of the Constitution of India. When the Constitution was framed, it was well thought of and considered in the deepest sense.

[The Vice-Chairman (Dr. R. K. Poddar) in the Chair.]

In the first place, when the Constitution was being drafted, Constitutional experts and most of the politicians looked upon this problem of adult franchise with suspicion. When article 325 was being drafted, it was done with full care. It says:

> "No person to be ineligible for inclusion in, or to claim to be included in a special electoral roll on grounds of religion, race, caste or sex."

This takes away all the antiquated forms of being a voter or to have separate rolls. So, it is necessary to consider this aspect in the light of the Constitution. When this article was introduced, it was not introduced in the sense that there is a particular community, like the Hindu, the Muslim or the Christian, living in India but it was introduced in one say that we are all Indians. Therefore, the electoral rolls under article 325 has got special significance.

Adult franchise at that time was given to a person who was of the age of 21 years. He was entitled to vote if his name was included in the electoral rolls, but all these antiquated forms about qualifications, property, education, status, titles etc. were removed by one stroke. The present amendment is also being brought in because it has got history behind it. Tracing the previous history, under the Government of India Act 1919 only 3 per cent of the population could vote. In 1935 Act only 10 per cent of the population could vote. That means only a small fraction of population could exercise this political will, but under the present Constitution the largest number of people are exercising their electoral franchise. Besides literacy, political awareness and understanding has moved up in the Indian society at a faster speed. This is apparent from the results of the elections. In the first general elections in 1951-52 there were 75 political parties, 1823 Lok Sabha constituencies to fill up 493 seats. There were 17500 State Assembly constituencies to fill up 3278 seats. This is a clear proof that there is a political awareness and understanding amongst the people, amongst the Indian masses and that is why this Bill has been brought in. By this amending Bill, under article 325 of the Constitution only one political community is created. This unites the whole of India under one political system, democratic system. If we consider this Bill in this light, it comes to this. Having considered the political awareness of the people, having considered the political understanding of the nation, the Government has

4.00 P.M.

come forward with this Bill. The right of voting may be given to those persons who have come of age and who have shown political understanding. Therefore the age is lowered. The age is not lowered at the discretion of the Government. There is a history behind it which I have explained to you in a nutshell.

Now I will bring to your notice some of the most important facts. For keeping this machinery and the electoral rolls independent and without Government influence, the Constitution has provided for the Election Commission. It is quite an independent post, having quite an independent working, in the interest of the elections, to keep them free and fair. Therefore the post is more important. The Election Commissioner has got so many other offi-

[Shri Shankarrao Narayanrao Deshmukh]

cers to conduct the elections—such as Chief Electoral Officer, the Registration Officer, the Returning Officer, the Presiding Officer and Polling Officers. But I would like to make one suggestion here. Though the Election Commission is the Chief Election Officer and has got very vast powers in his hands, at the regional level, or district level, or State level, certain difficulties are experienced. So I would just draw the attention of the House to Section 13(A) of the Representation of the People Act, 1950.

[The Deputy Chairman in the Chair]

This section says about the Chief Electoral Officer that there shall be, for each State, a Chief Electoral Officer who shall be such officer of Government as the Election Commissioner may, in consultation with the Government, designate or nominate in this behalf, subject to the superintendence, direction and control of the Election Commission. But the Chief Electoral Officer should supervise the preparation, revision and correction of all electoral rolls in the State. Therefore, his powers are only supervisory. But the experience has shown that when there are certain things which are not expected, say for a change in the polling station, or change of the symbol, the Chief Electoral Officer has got to run to Delhi. For change of a polling station or change of the symbol, he takes a long time. This results in disturbance in the working of the people Therefore, I would suggest that something should be done to delegate the powers regarding these matters to the Chief Electoral Officer.

Then, again, rule 39 of the Conduct of the Elections Rules is more important. This deals with maintenance of secrecy of voting by electors within the polling station and the voting procedure. Every elecor, to whom a ballot paper has been issued under rule 38 or under any other provision of these rules shall maintain secrecy of voting within the polling station and for that purpose, observe the following procedure hereinafter laid down: The elector receiving the ballot paper shall fold....etc. Then clause (c) of rule 39 stipulates that he shall fold the ballot paper so as to conceal its vote. Now let us see sub section (c) of section 39: "Fold the ballot paper so as to conceal it,....." Then let us see sub-section (e): "....put the folded ballot paper into the ballot box" Therefore, when we insist on this kind of an electoral system, the whole thing will have to be changed because the procedure laid down to keep secrecy is different. Therefore, I would like to suggest that this may be got examined by the Government while applying its mind to the procedural matters.

Now I would further draw your attention to a very important point. Section 127A of the Representation of the People Act, 1951 says: "*Restriction on printing of pamphlets, posters, etc.*—No person shall print or publish or cause to be printed or published, any election pamphlet or posters which does not bear on its face the names and addresses of the printer and publisher thereof." But, what about video cassettes? Now you shall have to apply your mind to this also. Otherwise, defamatory video cassettes may be prepared and and shown everywhere. So, these are important matters and, therefore, I would like to draw the attention of the honourable Minister to section 127A of the Representation of the People Act and request him to very carefully examine this aspect so as to avoid any malpractices.

The third thing that I would like to say is this. If at so many centres electronic voting machines are installed supposing the Presiding Officer, or whatever you call him, has got a lever to press. He presses the lever and the voter goes in and presses the button to register his vote. At the fag-end of the voting, the person

entrusted with pressing the lever may just press the lever and ten persons may go in and just press the button tap, tap, tap, ten times. Thus it will give great facility for having false voting. There is a defect in that. Therefore, I suggest that something should be done regarding control of the electronic voting system.

Madam, in the end, I would like to draw your attention to only one thing. Particularly in the rural areas, free and fair elections seldom take place. They are controlled, mostly, by muscle power or money power—you may deny it. Therefore, in each and every rural area, the officers who would be apointed there to supervise the elections may be drawn from a different district and, for identification purposes, the help of local persons may be taken. Otherwise, the election process is going to be very difficult.

In the end I would like to say that while bringing both these Bills, the Government has taken into consideration the very concept of the Constitution and I, therefore, support the Bills. Thank you.

THE DEPUTY CHAIRMAN: Shri Ghulam Rasool Matto. Not here. Sardar Jagjit Singh Aurora.

Those who are not here, will not get a chance to speak. Mr. Virendra Verma is not here.

SARDAR JAGJIT SINGH AURORA (Punjab): Anyway, I am very happy to get the chance.

THE DEPUTY CHAIRMAN: You would have got it even otherwise, but no so early.

SARDAR JAGJIT SINGH AURORA: That is right. For a change, I am not last but last but one.

Madam Deputy Chairman, I support the Constitution (Sixty-second Amendment) Bill, 1988 reducing the voter's age from 21 years to 18 years.

I am totally disappointed with the Representation of the People (Amendment) Bill, 1988. I find that the muchtouted claims to bring about wide-ranging electoral reforms to eliminate widespread malpractices, have turned out to be a damp squib, and an eye-wash. It gives one an impression that the Government is neither serious nor honest about clean elections. To prove my point, let us first identify the main factors which have progressively made our elections untrustworthy and unfair.

The first is the misuse and even abuse of the governmental machinery.

The second is the use of black money and other underhand measures to persuade people to vote or to buy votes.

The third factor is the use of *mafia* and goondaism to frighten people from voting or coercing them to vote for particular people or a particular party.

Lastly, one of the main factors is the insidious and unfair propoganda to malign people and communities, thereby hoping that the people will not vote for them.

In this Bill which has been passed by the Lok Sabha, the main weakness is that none of the preventive measures that have been considered, really touches upon these four factors that I have mentioned, except possibly the one about stopping people from booth-capturing.

At present the misuse of the governmental machinery has been going on even before the elections have been declared for Tamil Nadu by the Prime Minister himself making six visits using governmental resources, aircraft and machinery and carrying out campaigning for his party rather than dealing with governmental work. This type of misuse is not going to encourge fair elections.

[Sardar Jagjit Singh Aurora]

The second misuse is that of media. Media, not only now, but ever since the Doordarshan has come into prominence, even in 1984, has been greatly misused in favour of the ruling party and to the detriment of the Opposition. I consider that at least during the election period the media should go under the control of the Election Commission, and he should allot equal time for all parties. If this is not accepted, obviously it will go totally against fair elections.

The third point is about the use of black money and resources. None of the present provisions have catered how they are going to eliminate it. I, therefore, strongly urge that all political parties must maintain proper accounts of expenditure and the money that they receive and that these accounts must be duly checked and audited and every year publicised in papers for the benefit of the general public. Till such a thing is done, you will never be able to eliminate black money and the nefarious influence of black money.

The fourth aspect is the insidious and unfair propaganda to malign people and communities. This was done to a very great extent and with very unfair results during 1984 at the time when the Anandpur Sahib Resolution was considered or I should not say only considered, but the Anandpur Sahib Resolution was declaimed as being anti-national.

We have in this Bill, under Section 8, just let me read.....

THE DEPUTY CHAIRAMN: Please conclude.

SARDAR JAGJIT SINGH AURORA: I thought you will give me some time.

THE DEPUTY CHAIRMAN: I gave you time.

SARDAR JAGJIT SINGH AURORA: That is all?

THE DEPUTY CHAIRMAN: I wish you had spoken earlier. You have been speaking at the fag-end. All right, you speak for two to four minutes.

SARDAR JAGJIT SINGH AURORA: In Section 8, it has been said in the last four lines and I quote:

> "offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statements in any place of worship or in any assembly engaged in the performance of relgious worship or religious ceremonies."

But, what about spreading hatred? If the Governmental machinery is used for this purpose or the people in authority use these sorts of slogans, who is there to decide what action is going to be taken against them?

That brings me to the next point. That is about the constitution of the Commission itself. Experience in the last four years has more than conclusively proved that the Commission can be easily influenced to fall in line with the needs and requirements of the party in power. Therefore, there is a definite need that this must be broad-based and the people who constitute this should not be Government servants. They may be drawn from eminent people, retired judges, professors and other professionals, which will ensure that this Commission is not influenced by the party in power. Without these steps I feel that fair election is going to be only a dream which is unlikely to be achieved.

PROF. CHANDRESH P. THAKUR (Bihar): I rise to support the Constitution (Amendment) Bill, 1988 and the Representation of the People (Amendment) Bill 1988.

After forty years we have established that we can practise a democratic polity. Our record of practising such a political system is commendable, particularly if you look at the world map, you will find increasingly more countries are struggling to launch democracy out of their traditional systems or the military regimes. And yet another group of people are struggling to sustain their democracy. But in our country we have tried and demonstrated successfully that the level of literacy or the level of economic development is not really a handicap in practising a very vibrant and effective and vigorous democratic polity. We have evolved several democratic institutions and practices. They have consolidated themselves but time comes when we need to review them and to strengthen them and to give them further teeth and flexibility so that they are able to contribute in the nation-building task in a much more effective way.

Madam, our founding fathers when they decided to allow adult sufferage regardless of any other consideration, there were doubts at that stage in the Constituent Assembly that may be the level of education could be a handicap. Other kinds of problems were raised but forty years down the road, we have discovered that that was an act of wisdom, an act of imagination, an act of courage and the Indian voters have not really disappointed us. As a matter of fact, the maturity of voting behaviour is better than the so-called, claimed maturity of the political party leaders. We can see regardless of the alleged abuses or the misuses, the Government change. the fortunes of the political parties change. How does it happen? It happens regardless of the use of money or muscle power or whatever other forces that we use because a humble voter has discovered his right. He knows his mind. He has the courage and the will to use his mind to the advantage of somebody and to the disadvantage of those who have not behaved in their judgement in their last mandate. So from that point of view there is nothing to regret with regard to our initial act of wisdom in extending universal adult sufferage. Now, right to vote is the essence of any democratic process. To the extent that this democratic super-structure needs to further consolidate its grass-root support, you have to look back and see who are the others who have been added in the society through their vitality, through their wisdom, through their direct stake in nation building who can contribute and who are not able to contribute under the present scheme of things. It is there that the age group between 18 and 21 comes to our mind. It is a large group. It is a growing group and the most articulate group and this is the group which is endowed with a better thinking capability and to the extent that it was not getting access to that basic power or basic instrument which goes into the determination of the political system—and through that the whole exercise of nation building whether it is social development or economic development or political development takes place—it is important that we look at them. In this 40th year of freedom, the centenary year of that great democrat Pandit Jawaharlal Nehru, when the young Prime Minister decided to make this generous gift to the youth of India, we must welcome it, appreciate it and applaud it because in any event this country belongs to the youth they are the ones who have the stake in the good or the bad society that we evolve. So it is much better if they have a direct contribution to make in shaping the destiny of the country of which they are going to be the dominent and long standing citizens. So from that point of view this is a very welcome and historic decision. There is no doubt about it and the very fact of almost universal acceptance of this proposition or support to this proposition shows that this was long overdue and the very fact that the Congress party decided this in response to

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the articulate demands of the youth whether it is National Students Union of India or the Youth Congress or the Congress party particularly the younger Members, shows that the Government can respond to the legitimate political demands and democratic demands of an articulate section. Now, in the process so far as this part is concerned, there are practically no two opinions and there is no political division also. We must realise that in a democratic system, we need to selectively take corrective actions. This Government, right in the first instance, took one major step and that is the Anti-Defection Act. Today everybody is a beneficiary. A certain degree of political stability has come in the country as a result of the anti-defection measure. It might have created certain constraints on some people. But, by and large, the political system, political parties, have benefited, whether they are in the Central Government or in the State Governments. Some of the State Governments which belong to other political parties could not have survived the hour of the day without the help of the anti-defection measure.

The second steps which the Congress party, under the leadership of the Prime Minister, has taken is to carry the democratic process ahead by consolidating and expanding its mass base. However, when we look at the other details, our experiences show that there were aberrations. There has been scope to exploit the vulnerability of the political framework. New forces have emerged in the political horizon. Ideology is not necessarily a reference point of the political division in the country and increasingly it is getting less important. Sectarian and narrow interests have become more important, whether they are considerations of caste, whether they are of religion, whether they are of linguism or region or the like. I feel that they are getting an upper hand in setting up political parties or trading between political parties. And this is an infirmity or a disadvantage which the political system is suffering from today. It is necessary to see what kind of course correction is possible in order to steer the course of democratic development on sound and safe path. From that point of view, when we look at some of these provisions under which we are trying to see that some of these misuses and abuses could be eliminated or overcome, we have to go into some of the details. Take, for example, the provision for disqualification. There is no doubt that all kinds of people, anti-national and anti-social people, try to come and join the political band-wagon. One can commit all kinds of crimes and become a totally liberated person under the political garb, getting access to the legislature, Central or State. It is true that in the name of freedom and democracy, everybody should have a right. But this kind of privilege should not be a protective umbrella to those who have no reasons to be respectable or to be considered to be respectable by the society. So, from that point of view, when we see some provisions like the Anti-Sati Act and the Anti-Dowry Act, we are looking at the current symptoms of our society which are taking a heavy toll in relation to region, families and individuals. These are the people who are flourishing under these anti-social activities and if our system brings some course correction by controlling some of them through defranchising them or not allowing them access to respectable posts as Members of Legislatures, then we are doing something good. By simply providing such a kind of scope, we are still leaving the course of enforceability somewhat nebulous. What I am trying to suggest is that the goal is noble, very desirable. I would like some assurance from the Minister that appropriate processes, rules and regulations and the machinery will be created so that these are not only hopes but they become effective provisions which bring deterrent punish-

ment to those who are really indulging in some of these activities and send a message to those who are liable to succumb to the temptations to deter them.

There is a list of items with regard to economic offences. The country is growing and the problems of growth are related to the problems of intensity and variety in economic offences. I am not sure if the listing of economic offences is exhaustive or sufficient. Nor am I sure whether the provisions with regard to bringing the offenders to book are rigorous and have sharp enough teeth to bring them within the framework of the punishments that you have. Nor am I sure whether the punishment is really deterrent enough. Here is a provision, which, though perhaps a first step, is a welcome step. But this should not be treated as the last step. As we grow in experience and as we collect more data and we think more carefully with regard to the enforcement possibility, these sections would need to be strengthened for coverage in terms of adequacy and much more efficacy so far as implementation part is concerned. In the democratic India we have created many respectable institutions and Election Commission is one of these. It is constitutional body, it is an independent body. Now, charges have been levelled against the Election Commission. Everytime election comes all kinds of rhetoric does take place. But still the fact remains that, by and large, the Election Commission has emerged as a respectable body, it has delivered the task which was assigned to it. So the intention of the Government to strengthen it and to make it more effective is welcome. Whether it can be done by one member or ten members, I am not competent to judge. But I am certainly interested in making it more effective to the extent that executive powers during the election period are given to the Election Commission so far as officers working for the election are concerned and it is a welcome step. I hope there will be no fetters in the use of the executive powers so far as the Election Commission is concerned.

Even with regard to registration of political parties I have been asking myself as to the purpose it serves. I am sure this again is an early step. We do want political parties but not based on fundamental religious appeal. We do want that political parties should not survive on fundamentalist regilious appeal. We do not want such groups or organisations to form parties and become politically powerful bodies. I do not know whether this simple process of registration will eliminate the clandestine and pernicious process of using religious fundamental appeal or caste or religious or linguistic appeal in mobilising the voting behaviour of the people. So what can be done to really carry home the message of protecting the political system from the attack, from a serious misused attack, of the fundamentalist power? Whether it comes from one particular religion or another, I couldn't care less; whether it comes from one religion or from one caste or from a combination of castes, the fact is that a healthy political system will need to grow out of these pressures. And whether registration of political parties is a sufficient means or it is just a beginning of some further additional requirement is a question to which I would like to invite Government's attention. (time-bell) Madam, I come from Bihar and I must make a mention of one point. I appreciate your ringing the bell. But this is the first time I am speaking since you have taken over the second time as Deputy Chairman and I would like you to be smiling if I take a little longer...

THE DEPUTY CHAIRMAN: This morning we had a discussion on Bihar and you can just add your points.

PROF. CHANDRESH P. THAKUR: But that was of some other kind. I

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want to say something else. Booth-capturing, muscle power, misuse of this, that, is widely talked about and, for right or wrong, Bihar frequently gets highlighted... (*Interruption*) I would like to concede it to some other States. Andhra is a good example in this. We saw recently what happened in Haryana. And Eastern UP is not very far from Bihar; I can tell you that. Booth-capturing is definitely a very unfortunate development, whether it is done with the help of brute force or other means. Electronic voting machine is being introduced. The aid of a modern technological device is a very welcome measure and this is perhaps one of the extraordinary measures we are taking all over the world. And what we are going to do is going to be watched by the rest of the world, by those who are believers in universal adult suffrage. We have to study carefully; already here and there technological machines must be on the R & D board on how to bug the electronic mahcines or how to sort of obstruct these machines working. I only hope that our scientific community will be alive to that and make this electronic machinery somewhat less vulnerable to the more imaginative counter-attack that might come to it.

One last point. The hon. Minister while introducing the Bill mentioned about that. I had earlier suggested through a note to the Prime Minister that this country has seen a lot of change in the social and locational composition of population. Voters are not located where they initially were. So the delimitation of constituencies because of the regional shift, rural-urban shift, social composition, particularly of minorities and backward classes, is no more stable. So to assume that they belong to the constituency where they were born or originally registered is carrying the logic a little too courageously and too far. So I submit that to undertake the delimitation of constituencies on this ground should be on the front page in the next round so that the legislatures are true and honest representation of the profile and the number of constituencies which they formally represent at present, otherwise it will be a kind of inhibiting factor in bringing the real voice of the electorate on the floor of the legislatures.

With these words, Madam, I still think that this is one of the most welcome measures. The youth of India has been brought into the political process directly now. They are actually at the voting time he ones who really rule the rost. They have been brought within the formal network. This is a challenge to them; this is an oportunity to them. And this gives them hope to save the destiny of the country of the kind they want to make. To that extent this Bill is going to help them. We wish them godspeed and all the best wishes in contributing their best in the nation-building activity. Thank you.

THE DEPUTY CHAIRMAN: Shri Chaturanan Mishra. Another person from Bihar?

श्री चतुरानन मिश्र (बिहार) : उपसभापति महोदय, इस संशोधन के जरिये एक बात स्पष्ट हो रही है कि सरकारी पक्ष और विपक्ष दोनों इस बात को समझ रहे हैं कि हमारी चुनाव प्रणाली में कुछ ऐसी खामियां आ गई हैं कि अगर हम उनको दूर नहीं करेंगे तो हमारे प्रजातन्त्र को गहरा धक्का लगेगा । इसी समझदारी के साथ यह संशोधन बिल यहां पर लाया गया है ।

महोदया इस बिल में एक दो बातें हैं जिनका मैं समर्थन करता हूं - जैसे कि 21 वर्ष से वोटर की आयु घटाकर 18 वर्ष करना अच्छी बात है । वेसे मंत्री महोदय ने इस बिल को पेश करते हुए कहा कि कांग्रेस पार्टी और उनके स्टूडेंट फडरेशन ने यूथ कांग्रेस ने जब प्रस्ताव

पास किया, उसी दिन से इन लोगों की नींद टूटी है, लेकिन रेकार्ड में है कि उसके पहले भी विपक्ष के लोग इस बात की आवाज उठा रहे थे । लेकिन अगर वे यहां पर सत्य बोल देते तो काफी झंझट में पड़ जाते, इसलिए वे हाफ ट्रूथ बोले हैं

इसी तरह से इसमें कुछ डिस्क्वैलिफिकेशंस भी बढ़ाई गई हैं, जैसे इकानामिक आफेंस है, सती जैसे कांड करने को डिस्क्वैलिफिकेशन माना गया है । मैं समझता हूं कि यह प्रावधान स्वागत योग्य है । लेकिन हमारे लिहाज से जो सबसे बड़ी समस्या है, वह यह है कि आजादी के बाद वोटिंग पद्धति शुरु होने के बाद एक दूसरा दौर हमारे देश में शुरू हुआ है कम्यूनलिज्म का, कास्टिज्म का और बूथ कैप्चरिंग का । चाहे वह बिहार की चर्चा हो या जहां आपको सूट करे हरियाणा की चर्चा कीजिए, जिसको जहां सूट करे, वहां की चर्चा कीजिए । महाराष्ट्र हम लोग नहीं पहुंचे हैं, अगर पहुंचेंगे तो कहिएगा कि वोटर लिस्ट गड़बड़ा देते हैं, लेकिन जहां भी जाइये, हम सभी लोग यह मान रहेहैं कि साम्प्रदायिकता, जातीयता और बूथ कैप्चरिंग का हमारे यहां नया दौर शुरू हुआ है जो देश की अखंडता के लिए खतरा पैदा कर रहा है क्या इन संशोधनों में एक भी ऐसा प्रावधान है कि जिससे हम कम्यूनलिज्म को रोक सकें, कास्टिज्म को रोक सकें या बूथ कैप्चरिंग के लिए आपने सजा बढ़ाई है तो वह क्या अपने आप काम करेगी ? हम समझते हैं कि इस संशोधन विधेयक में सबसे कमजोर पक्ष आपका यही है इसकी कोई रेमिडी आप नहीं निकाल सके। यह हमारा ख्याल है, हमारे दल का ख्याल है और इसी आधार पर हमने पहले मैमोरेंडम दिया है । इसमें एक तरीका यह बताया है कि प्रोपोशनल रिप्रेजेनटेशन पद्धति अपनाई जाए । इसमें भी कुछ खामियां हैं जिनकी मैं बाद में चर्चा करूंगा । अगर प्रापोशनल रिप्रेजेंटेशन हो तो जिस बिहार की बात आप कर रहे हैं तो पूरा बिहार एक कंस्टीट्यूयेंसी हो जाएगा । किसी जाति के लिए सम्भव नहीं होगा कि किसी एक जाति के लिए प्रोपेगेन्डा करे । किसी एक रिलीजन के लिए सम्भव नहीं होगा कि वह एक रिलीजन का प्रचार करे । किसी बूथ कैपचरर के लिए सम्भव नहीं होगा कि पूरे बिहार में जाकर बूथ कैपचरिंग करे । अभी की यही स्थिति है । प्रोपोशनल रिप्रेजेंटेशन के लिए पार्टी अपनी-अपनी लिस्ट दे देगी । जितने जिसको वोट मिले उस अनुपात में उसको सीट मिल जाए । इस पद्धति को अपनाने से साम्प्रदायिकता जातीयता और बूथ कैपचरिंग तीनों पर काफी बड़ा अंकुश लगा सकते हैं ।

एक प्रश्न उठाना है कि अगर ऐसा करेंगे तो क्या ऐसा नहीं होगा कि हमारी केन्द्रीय सरकार डिस्टेबिलाइज्ड हो जाएगी या राज्य सरकार डिस्टेबिलाइज्ड हो जाएगी क्योंकि विभिन्न पार्टियों को अलग-अलग वोट मिलेंगे । आप बिहार की बात करते हैं तो मैं कहना चाहता हूं कि बिहार से बराबर आपकी पार्टी को प्रबल बहुमत मिलता रहा है । अगर किसी ने डिस्टेबिलाइज्ड किया है तो आपकी पार्टी ने ही किया है जनता ने नहीं विधायकों ने भी नहीं । लेकिन बराबर मुख्य मंत्री बदलते जाते रहे । मुख्य मंत्री को बदलना किसी कैजुअल लेबरर से भी आसान है । यह आपका काम है हम तो इसको रोक नहीं सकते । मेरे पास एक सूचना है । मंत्री महोदय बतायें कि जब बिहार के लोगों को, एम.पीज को बुलाया गया चुनाव सुधार पर विचार करने के लिए तो उन लोगों ने कहा कि वे लोग सुधार के बिल्कुल पक्ष में है और चुनाव में गड़बड़ी करने वालों को सख्त से सख्त सजा होनी चाहिए । जल्दी से जल्दी संशोधन होना चाहिए, कानून में पूरी तरमीम करनी चाहिए । लेकिन बूथ कैपचरिंग का प्रोविजन रहना चाहिए नहीं तो हम लोग आ नहीं सकेंगे । हमारे पास यह रिपोर्ट है । अब सरकार बताए कि यह सब बात है या नहीं (**व्यवधान**) ।

माननीय सदस्य : ऐसी बात नहीं है

श्री हंसराज भारद्वाज : यह तो आपकी मन गढ़न्त है । छोटे-छोटे दल ऐसी बात अपने मन में सोचते रहते हैं । बड़े दल ऐसी बात नहीं सोचते ।

श्री चतुरानन : मिश्र आप कह रहे हैं मन गढ़न्ता आप के लोग ही ऐसा कहते है। मेरे पास सूचना है कि इसलिए इस कानून में काफी लूप होल्स छोड़ दिया हैं बूथ कैपचरिंग का। मैं आपको उदाहरण देता हूं। मंत्री महोदय तो कानूनदां है, मैं तो कानूनदां नही हूं। मैं आपसे पूछता हूं कि 58 ए में जो है।

"58A. (1) If at any election,—

(a) booth capturing has taken place at a polling station or at a place fixed for the poll (hereafter in this section referred to as a place) in such a manner that the result of the poll at that polling station or place cannot be ascertained;"

यानी जब तक किया जा सके तब तक बूथ कैपचरिंग चुनाव परिणाम को प्रभावित नहीं करता। यह हम मंत्री महोदय से जानना चाहेंगे कि क्या यह ऐसा प्रोविजन नहीं है कि उस एक्सटेंट तक बूथ कैपचरिंग किया जा सकता है जिस एक्सटेंट तक रिजल्ट्स प्रभावित न करे? मैं फिर एक पढ़ता हूं इसी का "बी" भाग।

"(2) (b) if satisfied that in view of the large number of polling stations or places involved in booth capturing, the result of the election is likely to be affected...."

यानी अगर थोड़ी बहुत बूथ कैपचरिंग हो जाए तो आपको सरकार को कोई एतराज नही है। हम उतना कानून तो नहीं पढ़े हैं। आपकी पार्टी में बहुत से वकील है, हमारी पार्टी में भी वकील है। हम कहेंगे कि अगर कोई कहे कि आधा सैंटीमीटर गरदन काटने की इजाजत देते हैं लेकिन एक इंच नहीं काट सकते क्योंकि उससे प्राण पर खतरा होगा, तो क्या ऐसा भी कोई कानून होता है। क्या बना रहे हैं आप? किस को ठग रहे हैं?

माननीय सदस्य : हम को और आपको ठग रहे हैं।

श्री चतुरानन मिश्र : यही तो हम कह रहे हैं। तीसरी बात मैं यह कहना चाहूंगा कि यह भी एक मुख्य मुद्दा है कि स्टेट फंडिंग करे या नहीं करे। आप कहते हैं कि इससे भी कानून से फिजूल चुनाव का खर्चा रुकेगा नही। लेकिन हम यह कहना चाहते हैं कि प्रश्न यह नहीं है कि चुनाव का गैर कानूनी खर्चा रुकेगा या नहीं। इस संबंध में मुझे इतना ही कहना है कि हरिजनों, आदिवासियों और कमजोर वर्ग के लोगों के पास पैसा नहीं होता है, इसलिए आप दूसरों के लिए नहीं कर सकते हैं तो कम से कम इनके लिए तो कर दीजिए। अगर आप ऐसा करेंगे तो हम समझेंगे कि कुछ तो शुरुआत हुई। इतना तो कम से कम किया जा सकता है।

अब मैं इलेक्शन कमीशन के फंक्शनिंग के बारे में कहना चाहता हूं। प्रश्न यह है कि चुनाव कमीशन की नियुक्ति कैसे होनी चाहिए। विरोधी पक्ष के नेता श्री गुरुपदस्वामी जी कह रहे थे कि इलेक्शन कमीशन का एप्वाइन्टमेंट प्राइम मिनिस्टर, चीफ जस्टिस और लीडर आफ दी अपोजीशन मिलकर करें। ऐसा करें तो उस पद को आप सब के शक और शुबहा से परे कर देंगे। इसमें आपकी भी प्रतिष्ठा होती है और हम सब लोगों की भी प्रतिष्ठा होती है और हम लोगों का बोलना भी रुक जाएगा कि चुनाव कमीशन पक्षपाती है क्योंकि हम भी उसकी नियुक्ति में शामिल हो जाते हैं। क्या हम लोग इसकी आपसे आशा कर सकते हैं। सिर्फ इतना ही जरूरी नहीं है कि इलेक्शन कमीशन निष्पक्ष ढंग से काम करे। इसके लिए जरूरी है कि इस देश का आम आदमी समझे कि इलेक्शन कमीशन निष्पक्ष ढंग से काम कर रहा है। यह नहीं होना चाहिए कि तमिलनाडु

में तो इलेक्शन होगा, लेकिन हिन्दी क्षेत्र के दूसरे बाई-इलेक्शन नहीं होंगे । इस संबंध में सिर्फ आपका ही समझना काफी नहीं है, लोगों का समझना भी जरूरी है । इसीलिए हम कह रहे हैं कि इलेक्शन कमीशन जान करके, या संभवतः अनजाने में कभी कभी कुछ ऐसे काम कर रहा है जिससे उसकी निष्पक्षता पर इस देश में गहरा संदेह प्रकट किया जा रहा है । यह हमारे लिए, आपके लिए और देश के प्रजातंत्र के लिए अत्यन्त ही खतरनाक विषय है जिसके लिए कोई रास्ता निकाला जाना चाहिए ताकि हम तोहमत से बच सकें और हम लोग भी इस पर विश्वास कर सकें ।

जहां तक चुनाव आयोग को चुनाव के दौरान लगे हुए सरकारी अफसरों के काम को उसके अनुशासन में लाने का सवाल है, उसमें दो रायें हो सकती हैं । यह भी कहा जा सकता है कि इसमें राज्य सरकारों के अधिकारों को संकुचित किया जा रहा है । हम समझते हैं कि जरूरी यह एक अच्छी बात होगी कि उसका अधिकार रहे । हम देखते हैं कि जो जो रिकमन्डेशन वे करते हैं उस पर आपकी सरकार और राज्य सरकारें एक्ट नहीं करती हैं क्योंकि ये ही बूथ कैपचरिंग करवाते हैं और इसलिए उन अफसरों को बचा देते । जहां तक रजिस्ट्रेशन आफ पोलिटिकल पार्टीज का प्रश्न है, अभी मेरे पूर्व वक्ता जो बोल रहे थे उनका ऐसा ख्याल है कि इससे जो पार्टियां फण्डामेंटलिस्टस हैं या जो कम्युनल हैं या कास्टलिस्ट हैं उन पर रोक लगेगी । अगर ऐसी बात है तो इसके पक्ष में आप फिर से बात कीजिए । ऐसा नहीं होना चाहिए कि आप केरल में मुस्लिम लीग से पेक्ट कर लीजिए तो सेकुलेरिज्म हो गया और अगर हम करें तो यह कम्युनेलिज्म हो गया । इस तरह का रोजगार आप बंद कीजिए तभी लोग आप पर विश्वास करेंगे । ऐसा नहीं होना चाहिए कि पहले तो आप किसी को संत कह दीजिए, जैसा आपने भिन्डरावाले के बारे में कहा, लेकिन जब हम लोगों ने विरोध किया तो आप भी दूसरी बात करने लगे । ऐसी स्थिति में अगर रजिस्ट्रेशन से आपका यही उद्देश्य है तो इसको डेफिनिशन करने में आपको लाज क्यों आ रही है ? आपका जो उद्देश्य है उसको आप स्पष्ट कीजिए । ऐसे काम कीजिए जिससे इलेक्शन की प्रतिष्ठा बढ़े । एक बात मैं यह भी कहना चाहता हूं कि आइडेंटिफिकेशन कार्ड की बात कही गई है आप कहते हैं कि इसको एक्ट में करने की जरूरत नहीं है, यह रूल में किया जा सकता है । जब ऐसी बात है तो आप इसको करते क्यों नहीं है लेकिन इसमें एक बात मैं कहना चाहता हूं कि जब मंत्री महोदय इसको करें तो उसमें ऐसा प्रोविजन जरूर करें और रूल्स बनाते वक्त यह देखें कि वोटर जब वोट डालने जाएगा तो कार्ड पर दस्तखत करेगा क्योंकि ऐसा न हो कि अफसर ही दस्तखत कर दे । जब तक रजिस्टर्ड मैन वोट डालने गया है इसको सुनिश्चित नहीं किया जाएगा तब तक आइडेंटिफिकेशन कार्ड से कुछ होने वाला नहीं है । आपने इलेक्ट्रोनिक मशीन लाने की बात भी की है । आप इलेक्ट्रोनिक मशीन ले लीजिये, कम्प्यूटर ले लीजिये, इस पर किसी को एतराज नहीं हो सकता है, इसको आप कर सकते हैं, लेकिन इससे बूथ कैपचरिंग नहीं रुकेगा क्योंकि यह उसको सिखाया नहीं गया है... (**व्यवधान**)

श्री सत्य प्रकाश मालवीय : (बिहार) में तो मशीन ही उठाकर ले जाएंगे... (**व्यवधान**)

श्री चतुरानन मिश्र : अब बिहार में ही होता है या और कहां कहां होता है यह आप भी देख लीजियेगा कि कैसे होता है । आपके यहां भी यह मसला उठेगा और अगर पूर्वी जिलों में आ गया है, हिन्दी स्पीकिंग एरियाज में आ गया है तो इससे हमारे देश के प्रजातंत्र पर जबर्दस्त खतरा आयेगा क्योंकि यह क्षेत्र ही सबसे ज्यादा माननीय सदस्यों को यहां भेजता है ।

मैं एक और बात की भी चर्चा करना चाहूंगा और वह है कमजोर वर्ग के लिये । रेडियो और टी०वी० के बारे में अभी माननीय सदस्यों ने जो कहा है, इस बारे में मैं उनके साथ हूं । आप कोई ऐसा इंतजाम करिये जिससे कमजोर पक्ष के लोग भी अपनी बातों को रख सकें ताकि उनकी बातें लोगों

[श्री सत्य प्रकाश मालवीय]

के सामने आ सके, विरोधी पक्ष की बातें लोगों के सामने आ सके। आप इसके लिये कोई प्रावधान कीजिए। अगर आप ऐसा करेंगे तो इससे जनता में आपके प्रति विश्वास पैदा होगा। इससे आपकी सीटें तो घट जायेंगी लेकिन विश्वास बढ़ जायेगा कि आप अच्छे ढंग से चल रहे है। अब यह आपके सामने है कि आप सीट घटाना पसंद करते है या विश्वास घटाना पसंद करते हैं।

एक दूसरी बात मैं अखबारों के बारे में भी कहना चाहता हूं। उपसभापति महोदया, अखबार की भी वही दशा है। जो गरीब तबका, 100 में से 70 है, जिसका परसन्टेज इससे भी ज्यादा है, उसको अखबारों में केवल 5 परसेन्ट स्पेस मिलता है। आप रोज के अखबारों को निकाल लीजिये, जो रोज के अखबार छपते हैं उनमें, बड़े लोगों की, जो दौलत वाले हैं, कार वाले है उन्ही के बारे में समाचार होते हैं, विज्ञापन भी उन्हीं लोगों का लेते हैं, सारी उनकी बातें उनमें आती हैं। लेकिन जो गरीब मजदूर है गरीब किसान है उसको उसमें कहां स्पेस मिलता है? इसलिये ये जो साधन है, ये सारे साधन हमारी चुनाव पद्धति को कुप्रभावित करते है। अगर आप निष्पक्ष चुनाव चाहते है तो आप इन सारी बातों के बारे में विशिष्ट रूप से संशोधन लाइये ताकि इसको हम लोग सही ढंग से कर सकें।

उपसभापति महोदया, इलेक्शन कमीशन को अधिकार दिये जाने के मैं पक्ष में हूं। लेकिन जिस तरह से सरकार अधिकार देने की बात कह रही है वह अनुचित साबित होगी, सरकार के अपने कारनामों के कारण। लेकिन मैं इसके खिलाफ नहीं हूं वरन मैं इसके पक्ष में हूं।

SHRI RAMESHWAR THAKUR (Bihar): Madam, Deputy Chairman, I rise to support the Constitution (Sixty-second Amendment) Bill, 1988, and the Representation of the People (Amendment) Bill, 1950. Madam, I take the opportunity to congratulate the Prime Minister and the Government as well as the party for their bold and historic decision to bring about these two long-awaited measures for reforms in the electoral law. As we are all aware, ours is the largest democracy and a democratic set up which has been, despite several stresses and strains on the social, economic and political structure of the country, able to maintain the democratic fibre in the most stable manner. Madam, during the last four decades we have seen eight general elections and in spite of the fact that the population has virtually doubled, a large number of elections have taken place, social situation has changed, but we have succeeded in conducting our elections and this is a very shining example in the entire world.

Madam, the amendments which have been brought about, their salient features have already been mentioned by the Hon. Minister of Law in the beginning. But I would like to deal with some of the important changes which are brought about by these amendments. The first one, as you are aware, is in regard to the change in the age by amending article 326 of the Constitution by reducing the voting age from 21 to 18 years in the case of elections to Lok Sabha and Assemblies. This is a very great welcome measure which has been welcomed by all Members cutting across party lines, both in the other House as well as this House. This change will bring forth a large number of young people, may be nearly 47 million by the time the elections take place, or 50 million to exercise their franchise.

Madam, it will really be a great day for the younger generation of the country who were expecting this change and the Prime Minister has given this radical reform by permitting the younger generation to participate in the democratic system of the country.

So far as the other Bill, The Representation of the People (Amendment) Bill, 1988 is concerned, there are a number of changes. These changes, I am sure, will bring about long-awaited improvements which were very much needed. There are seven areas which have been specifically touched by these amendments. The first is the definition of a political party; then, procedure for its registration, the prevention of convicted candidates from taking part in the elections introduction of electronic machines for voting; prevention of booth-capturing, rigging, etc., and putting the State machinery under the Election Commission for election purposes.

In this connection, I would like to mention about some specific clauses. The first is change in section 13CC. Then new section 28A is being inserted by which the Returning Officer, presiding officer etc., are deemed to be on deputation to the Election Commission. This will not only give authority to the Election Commission but also independence to the persons who are employed by the State Government to discharge their functions more effectively in a free and fair manner.

Then there is amendment to section 8 which provides for disqualification of persons convicted for various offences. At the moment, we have some provision for disqualification under the election laws but these changes have become necessary in view of change of circumstances where we have disqualified persons convicted of offences punishable under section 153A for promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., or section 171E; similarly seltions 376 or section 376A or section 376B or section 376C or section 376D. These sections relate to various kinds of offences, particularly the offence relating to rape and offence of cruelty towards a woman by husband or relative of a husband, etc. These are some of the basic changes which are being brought about. And also section 505 dealing with offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies. Also it covers offences under sub-clause (b), Protection of Civil Rights Act, 1955, which provides for punishment for preaching and practice of untouchability, which we know is a major social problem in our country. There is section 11 which deals with offence of importing or exporting prohibited goods of the Customs Act, 1962.

These are very comprehensive broad-based changes. Sections 10 to 12 relating to the offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place. There are similar changes for disqualification relating to offence under section 125, that is, offence of promoting enmity between classes in connection with the election, and also section 135 and section 135A and section 136. There are other things which are called economic and social offences

5.00 p.m. like hoarding or profiteering.

Disqualification will be incurred by persons convicted for contravention of any law providing for the prevention or hoarding or profiteering any law relating to the adulteration of food or drugs, any provisions of the Dowry Prohibitive Act, 1961 or any provisions of the Commission of Sati (Prevention) Act, 1987. These are far-reaching and major changes which have been brought about and they will, in course of time, bring about a qualitative change in the election system. Not only that. When the

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changes come into operation in relation to elections, people will be scared of committing such offences. Now, many vested interests — and some political workers also are involved in such offences, or, at least, they abet in the commision of such offences. Such things will be avoided in the future.

I would like to make some suggestions in regard to registration of political parties. Registration of political parties is a must. The hon. Member from the other side said that it is there already in the other Act, namely, the Foreign Contribution (Regulation) Act, 1976. Nevertheless, in the main Act, the Representation of the People Act, such a provision should be there. It should be a part of the main Act. There should be a statutory definition of the term 'political party' and there should be provision for registration. Under the provision made in the Bill, existing political parties must get themselves registered within thirty days and new political parties will have to get themselves registered within sixty days.

The Bill provides for furnishing of certain particulars like the name of the association, the State in which its head office is situated, the address to which communications should be sent, the names of office-bearers etc. But one important thing has not been mentioned. This should be provided for in the rules. Otherwise, it will have no effect. Political parties should be asked to maintain membership register. Of course, memorandum or rules and regulations will be there. The rules may provide for payment of fees. Provision is made requiring the political parties to furnish their numerical strength. But strength on what date? This has not been provided for. If the rules provide for payment of fees, we should know whether they have paid the fees, whether they are still active and real members of the political party concerned. We should know whether they are still members according to the constitution of the party. The Bill is silent on this. There should also be a provision providing for authentication of membership.

It has not been mentioned here as to how long will be the registration. The Election Commission wil give registration once. Suppose, there is defection in a political party, or, a political party merges with another party or a new party is formed. What will happen? There is no provision in this regard. The right to revoke the registration is not provided for. The Election Commission must have the right to revoke if a political party is not functioning according to its constitution and according to the requirements and satisfaction of the Election Commission. There is no mention as to how long the registration will continue, whether it will be annual registration or it will be for a period of, say, three or five years, in the first instance. The Bill is silent on this. I would like the hon. Minister to take these aspects into consideration and when the rules are made, these things should be provided for. Otherwise, it will not be possible to ascertain at the time of elections whether a political party which has been mentioned as registered is properly registered or not. There will be litigation and court cases thereof.

Then, section 33 is proposed to be amended with inclusion of a second proviso which says that in the case of a local authorities' constituency, graduates, constituency or teachers' constituency, the reference to 'an elector of the constituency as proposer' shall be construed as a reference to 'ten per cent of the electors of the constituency or ten such

electors, whichever is less, as proposers.' Ten persons seems to be reasonable. But 10 per cent of the electors is a very large number. I do not know why this has been provided for.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): It says 'whichever is less'.

SHRI RAMESHWAR THAKUR: I have read it out fully. It says that ten per cent of the electors should also propose. Is there any situation? Even in a graduates' constituency, it is not there. That is why I am saying that it does not seem to be necessary. That is my point.

Then, the proviso that more than half per cent will be treated as one per cent is very good. This will remove many hardships. We have seen how even this half per cent means a lot, particularly where there is proportionate representation.

Then there are changes in section 58 with regard to booth capturing taking place at polling stations. This clause is very good but we will have to see that this is effectively implemented not only by the Government or the Election Commission but by all the political parties and the candidates. They have also a responsibility to implement this law. For that I would like to say that all the political parties must have a code of conduct. Though it is not mentioned here, on voluntary basis it has to be adopted. There should be a code of conduct to educate various members of the political parties, the candidates and the general public.

(*Time bell rings*). Madam, there were a few criticisms made by some Members though the provisions in general have been accepted by them. They have criticised the use of electronic machines. I think electronic machines will not only save time and money but it will bring about a degree of efficiency and also remove many of the defects which we are seeing today. However, it cannot be implemented in one stage. From practical experience we have seen that wherever even the computers are utilised this can be done gradually. The suggestion about 'selective basis' is very good.

About State funding, as the Government has contended, at the moment it will be extremely difficult for such a large number of candidates to be funded. Also, it might encourage still larger number of people to stand and this will not be the way to reduce the cost for conducting elections. It has to be done by conscientious way of working. (*Time bell rings*). Lastly, I would like to say that the electorate has become quite conscious and cautious. Even the rural masses, they may not be highly educated but they are very intelligent, they understand their responsibility and they discharge their responsibility well. That is why we have been able to carry out the fabric of the Constitution in a big way. In this connection one eminent jurist, Dr. L. M. Singhvi, Executive Chairman of the Institute of Constitutional and Parliamentary Studies, New Delhi, said, I quote:

> "During my long experience extending over 22 years of work in connection with election law, procedure and practice and of actual conduct of elections, I can say without fear of contradiction that the electorate of this country possesses strong commonsense and native intelligence and the strength and stamina of their character which cannot but evoke respect and admiration. My conviction, based on experience as it is, is that the voters of this country cannot be taken for granted."

Therefore, I would say, let us respect the wisdom of the voters and the institution of democracy; let us try to honour the provisions of law,

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faithfully implement them; thereby all the political parties and citizens of the country will be able to further strengthen the process of democracy in our country.

DR. NAGEN SAIKIA (Assam): Madam Deputy Chairman, it is a long-awaited amendment to lower the voting age from 21 to 18 in our country. The opposition have been demanding for long to lower the age of the voters from 21 to 18, but the Government did not pay heed to the demand of the opposition for so many years. In many countries, eighteen is accepted as the voting age. In our country, the Bill to lower the voting age from 21 to 18 has been brought and I think it is better late than never.

[**Mr. Chairman** in the Chair.]

It has been stated in the Statement of Objects and Reasons that the present-day youth are literate and enlightened and lowering of the voting age would provide to the unrepresented youth of the country an opportunity to give vent to their feelings and help them become a part of the political process. The present-day youth are very much politically conscious. It is, therefore, proposed to reduce the voting age from 21 years to 18 years. I hope, Sir, that it would yield better results than the imagination of the ruling party for the good health of democracy in our country, because the youth have always stood for right and justice and are honest and committed to the cause. The youth will be now instrumental in choosing the Government and the educated people will have a say in the formation of the Government.

Regarding the Representation of the People (Amendment) Bill, I have some reservations. It is seen in our country that muscle power and money power have been controlling the election process, for which the country had to suffer from many angles.

Regarding the registration of the political parties, I do not think it is necessary and I do not think it would be effective in curbing communalism by itself. But it is necessary to have State funding which would lower or lessen corruption that has always taken place in elections.

Another proposal is about using of electronic devices. It is very much welcome that we are going to have electronic devices in elections. But I have a fear in my mind. We have experienced even in this House that sometime the electronic device does not work. So it must be ensured that the electronic device would work effectively and would certainly be instrumental in holding good elections.

Regarding the powers of the Election Commission, I think it is always suspected though it is an independent body. Still in reality if we ask ourselves if it is an independent body, it is seen that such autonomous bodies within our country are always guided, always controlled by the decisions of the Government. So the Election Commission must be made free of all Government decisions. It must be made an independent body. To make it a purely independent body, free of Government decisions, the Election Commission must be headed by more than one person. As suggested by some friends from the Opposition benches there should be a panel for selection or nomination of members of the Election Commission so that we do not leave any room for some undesirable elements or undesirable aspects in this regard to creep in. Sir, another thing is about this proportional representation. The Government is not in favour of proportional representation. But, only by proportional representation you can make demo-

chacy more healthy, you can have real representation in the Government and, therefore, this proportional representation is very much essential, very much necessary. I urge upon the Government to amend this to this extent so that proportional representation can take place in our country in the formation of the Government.

Sir, introduction of identity cards is another essential matter. In this regard also, I think, necessary steps will be taken, necessary measures will be taken, for the introduction of identity cards.

So, with these amendments the Government shold come forward for the acceptance of the Bill. The House, I think, would be in a right position to accept the Bill only if these amendments are made before it is accepted by the House. So, with these few words I ask the Government to make these amendments before it is passed in the House. Thank you.

श्री सभापति : श्री सत्य प्रकाश मालवीय ... (व्यवधान) ...

श्री दयानन्द सहाय (बिहार) : माननीय सभापति महोदय, मैं इस संविधान एमेंडमेंट बिल के सपोर्ट में खड़ा हुआ हूं।

महोदय, आज सुबह से बहस हो रही है। इसमें ट्रेजरी बेंचेज के साथ-साथ विपक्ष के, हरेक आदमी कांग्रेस सरकार को और बिल लानेवाले को कांग्रेचुलेट किया जा रहा है, तथा धन्यवाद दे रहे हैं। महोदय, मुझे यह सब सुनकर तुलसीदास की एक चौपाई याद आ गयी, "यह हमार अति बड़ सेवकाई, लेहिन बासन बसन चुराई।" यह बालिग मताधिकार हमारे देश के सभी नौजवानों का हक है और "था" कि वे वोट देते। इस देश को बनाने का उत्तरदायित्व नौजवानों पर, बुजुर्गों की बिनस्बत, ज्यादा है। आखिर 40 वर्षों के बाद आज की पार्लियामेंट ने हर बालिग नौजवान को वोट देने का हक दे दिया। मैं अपने तथा पार्लियामेंट के सभी सदस्यों की ओर से सरकार को धन्यवाद देना चाहता हूं कि जिसका हक था वह उसे मिल गया। महोदय, इलेक्टरोल रिफोर्म्स पर मुझे दो सजेशंस देनी है। दोनों समस्याएं ऐसी हैं जिनके बारे में बिहार के चुनाव अनुभव से मैं बता सकता हूं। हमारे यहां कई क्रिमिनल्स ऐसे जीतकर आते हैं जोकि जेल में रहते हैं, जेल से ही वे वोट मांगते हैं। जब वे एसेंबली में भाग लेने आते हैं तो उनके दोनों तरफ 4–6 बंदूक लिए हुए पुलिस लोग आते हैं और जब एसेंबली उठती है तो फिर उस विधायक को जेल में पहुंचा दिया जाता है। इस मामले में आज यह कानून है कि क्रिमिनल्स इलेक्शन नहीं लड़ सकते हैं, लेकिन अंडर ट्रायल्स लड़ सकते हैं, यही एक लूपहोल है। कानूनी लूपहोल यह है कि एक बार लोअर कोर्ट से फांसी की सजा जिस क्रिमिनल को हो गयी और यदि वह हाई कोर्ट में अपील करता है और अगर अपील एक्सेप्ट हो जाती है तो वह अंडरट्रायल प्रिजनर होता है। भले ही उसकी बेल नहीं होती है। वह बेल पर बाहर नहीं आ पाता है, लेकिन जेल में रहते हुए वह नोमीनेशन देकर बाहर धमकी भिजवाता है कि अगर उसे नहीं जिताया गया तो और अधिक मर्डर होंगे। ऐसे 5–7–10 लोग विधान सभा में आते हैं और शायद ** ... (व्यवधान) ...

श्री सभापति : लोकसभा मेंबर के बारे में आप यह मत कहिए। दिस इज नाट परमिटेड एट आल।

श्री दयानन्द सहाय : उसको मैं विदड्रा कर लेता हूं। लेकिन मैं आपको बताता हूं कि इस लूपहोल को बंद करने के लिए इस कानून में एक चीज जोड़ दी जाय कि एक बार जिनको सजा सुना दी गयी हो, ऐसे लोगों को इलेक्शन नहीं लड़ने दिया जाय जब तक कि पूरी तरह से उनका फैसला यानी सबसे ऊंचे कोर्ट से नहीं हो जाय। वरना यह डर बना रहेगा। दूसरी बात मैं कहना

**Expunged as ordered by the chair.

[श्री दयानन्द सहाय]

चाहता हूं कि वोटिंग में हमारे यहां तीन तरह के क्राइम्स होते हैं। हुजूर, एक तो बूथ कैप्चरिंग। इसमें हर एक पोलिटिकल पार्टी दोषी है। यह नहीं कहा जा सकता कि सिर्फ कांग्रेस या अपोजिशन। दूसरे, सरकारी आफिसर, जो वहां का आफिसर होता है यानि बूथ अफसर, वह भी गलत वोट डालता है और तीसरी क्राइम होती है जब काउंटिंग होती है उस समय। हमारे एक मित्र ने कहा कि सरकारी आफिसरों को भी, यानि ब्यूरोक्रेट्स लोगों को भी, नौकरी में रहते हुए इलेक्शन लड़ने दिया जाए। अगर यह दिन आ गया तो यह लोक सभा और राज्य सभा में सब आई० ए० एस० बैठे रहेंगे, हर एक आफिसर अपने को इलेक्टेड डिक्लेअर कर लेगा, चाहे उनको वोट पड़ा या नहीं पड़ा। तो कम से कम इन ब्यूरोक्रेट्स लोगों को नौकरी में रहते इलेक्शन नहीं लड़ने दिया जाए।

सभापति महोदय, मैं तीसरी बात कहना चाहता हूं कि 1977 का इलेक्शन, या 1984 का आम इलेक्शन में, सरकारी आफिसरों ने बहुत बेईमानी की। उस समय यानि 1977 में कांग्रेस पार्टी को हटाने में कम बेईमानी नहीं की। इसलिए काउंटिंग जिला स्तर पर नहीं होना चाहिए (व्यवधान)

श्री राम अवधेश सिंह: कांग्रेस को लाने में भी कम बईमानी नहीं की है (व्यवधान)

श्री दयानन्द सहाय: अभी हरियाणा में क्या हुआ (व्यवधान)।

मेरा एक सजेशन है कि इलैक्ट्रानिक मशीन लग जाए तो अच्छी बात है, लेकिन जब तक नहीं लगे तो हर बूथ पर उसकी वोट की काउंटिंग हो जाए वरना वह जब डिस्ट्रिक्ट लेबल पर जाएगा तो वह जीते हुए आदमी को हरा देना सहज हो जाता है सरकारी अफसरों द्वारा। मुझे डर है कि अगर इस तरह की बेईमानी को नहीं रोका जाएगा तो हमारे लोकतंत्र को बहुत खतरा है।

इन शब्दों के साथ मैं इस बिल को सपोर्ट करता हूं।

SHRI D. B. CHANDRE GOWDA (Karnataka): Hon. Chairman, Sir, I rise to support the Constitution (Sixty-second Amendment) Bill wholeheartedly. I deem it a privilege to present my case when the Chairman is presiding. Kindly excuse me, Sir, for having been absent for a little while from the House.

First of all, I would like to know what is historical and what is revolutionary about this Amendment Bill. I do not even feel that extending the franchise to more number of people is a reform. We are forgetting the fact that we are subjecting more people to the existing evil system. It was a demand, rather a consistent demand, of almost all the political parties in general and the people of the country in particular for a reduction of the age from 21 to 18. One question that arises as soon as we reduce the age as estimated by the Government machinery and the Minister who presented the case, is that we are adding about 47 million people, rather new voters, and giving them the right of franchise. This creates one or two problems, and I hope that the hon. Law Minister would look into them.

One is, by this, excess younger generation getting the right of franchise for the first time. There are constituencies which have been reserved for a number of years, and there the balance gets disturbed whether in terms of the percentage of fixing the Scheduled Castes and Scheduled Tribes constituencies or that of the total constituencies.

SHRI DHARANIDHAR BASUMATARI (Assam): They are wise, for your information.

SHRI D. B. CHANDRE GOWDA: That is right. But actually the reser-

vation, rather the delimitation, of the constituencies has been banned up to 2000. The minimum percentage required for reservation to Scheduled Castes and Scheduled Tribes is 15 per cent. There are a number of constituencies, especially the Assembly constituencies, which are reserved for more than forty years. I come from a Taluka which is reserved for forty years and a further reservation is guaranteed for another ten years. That means for fifty years a constituency is reserved. I would request the hon. Minister to go into it. The reservation was received by the people with great respect and goodwill which should not be lost.

AN HON. MEMBER: How can it be for forty years?

SHRI D. B. CHANDRE GOWDA: It may be thirtysix years or thirty-eight years, one or two years here and there And I thought the Government after so much of deliberations would come out with a comprehensive and a substantive bill before this House, but I am sorry to say no proposals have come about either to reduce the use of money power or muscle power or the State power. Similarly, no proposal has come out for reducing the cost of the elections or creating the confidence in the Election Commission or at least as I said earlier for the delimitation of the constituencies. Coming to the second part, the Representation of the People (Amendmnt) Bill, I rally do not follow the idea behind section 13 (C) and Clause 3 of Chapter III. Political party being an association, as has been rightly said, would it stand the test of Article 19(C) of the Constitution is the question because the registration is subject to so many conditions. It is yet to be seen. And while doing so, they have said the political parties have to be registered within sixty days from the day of the assent to the Bill. Secondly, the existing parties should get themselves registered within 30 days. It means an association or a body of individuals, citizens of India, should get themselves registered with the Election Commission as a political party. Before registering they have to satisfy two or three conditions. One is, of course, subject to the conditions enumerated in the Constitution; the Preamble. But nowhere have we defined either socialism or secularism to the satisfaction of all. Does he suggest that the political parties which are opposed to socialism or secularism are barred from getting themselves registered? This is one question that thy have to answer.

Many things have been said about the identification cards. As on today, whether you like it or not, in almost every walk of life we have accepted the identification cards. If a driver wants to get a driving licence, he has to produce his photograph. Even in Delhi, if a man wants to have a ration card, he will have to produce his photograph. Even the Members of Parliament, if they want to get their identification cards, they have to produce their photographs. For a job application, the applicants have to produce their photographs. Even the students who get into colleges will have to produce their photographs. Then students for going to examination centres will have to give their photographs. And a farmer, who makes an application for getting loan, will have to produce his photograph. So, I feel almost one-third of the population is already covered so far as getting photograps is concerned. But the Minister in his statement says that cost is the consideration. Cost cannot be the consiedration. We can say at least those who can afford to have photographs, they can do so and those who cannot, can be categorised and we can think of introducing this on a large scale which practically takes away or to some extent limits the bogus voting and also to some extent booth capturing.

I have got one suggestion to make with regard to the proportional repre-

[Shri D. B. Chandre Gowda]

sentation in Parliament. The argument is that it is difficult to have proportional representation in terms of the total votes polled in every election. A limited experiment could be made in filling up the vacancies either in the Rajya Sabha or in the Legislative Councils of the different States because for both, members of the Legislative Assembly are the voters, who have contested from different constituencies. Their voting pattern is known, at least the parties who have fought the elections at the various Assembly elections. Instead of asking the elected representatives to vote, we can at least think in terms of giving representation to parties concerned and the parties can nominate in turn to the Rajya Sabha or the Legislative Councils in different States. This is so far as proportional representation is concerned.

There should be some means or method for holding bye-elections not leaving the bye-elections to the whims and fancies of the Government who are ruling at that point of time. We have to give a specified period and it should be made statutory and obligatory on the part of the Government and the Election Commission to hold the elections within a stipulated period.

Sir, so much is said about the Anti-Defection Bill. Of course, it is a progressive measure. I do admit it but the application of it specially with reference to the Congress(S) when they got divided, what happened in the Lok Sabha? There were four Members, two Members chose to join the Congress (I) party and the other two Members chose to remain in the Congress (S). But, unfortunately, these 50 per cent who chose to remain in the party from whose ticket they got elected to the Lok Sabha have been treated as Independents. Though the Anti-Defection Bill was brought about, while applying it, certain mandatory clauses have not been properly used.

So far as introduction of electronic machines for the voting system is concerned, again the question of cost has been brought in and about the availability of the machines also. Sir, I would submit, if there is a will there is a way. If you could provide machines for 150 constituencies, well, you can do it for the rest of the constituencies also. The only question is about the availability of the machines These could be made available from private individual entrepreneurs who in turn not only get their job satisfaction but also provide the required machines for the purpose for which it is required. Sir, once again, before concluding, I would say that a new look has to be given keeping in view the number of new voters coming into existence in the coming elections. A delimitation committee has to be constituted and it should go into the problem of reservation. My only point here is, delimitation of constituency which amounts to increase in the number of constituencies is banned till 2000. We have the 15 per cent criteria. Suppose A constituency has 20 per cent and B constituency has 19 per cent or 20 per cent. (*Interruptions*). By not doing so, we practically take away the right of the Scheduled Castes and Scheduled Tribes. Their right to represent the other constituency is being taken away and the right to represent the general votrs and the right of a general candidate who wants to contest from the constituency is also taken away. Therefore, at least till 2000 A.D. a new arrangement by reserving a constituency by rotation should be given a serious thought.

One more important aspect we miss in this Amendment is steps to reduce the independent and frivolous candidates Independent and frivolous candidates are practically a menace in the election, I should say. So I suggest if you cannot get rid of them, at least put a premium on them. For filing

nomination, an independent candidate must have 250 proposers in the case of a Parliamentary constituency and 25 proposers in the case of an Assembly constituency, at the minimum. Thereby, a man who cannot get 250 voters to propose his name cannot be a candidate for Parliamentary elections. Similarly for the Assembly elections. Another important aspect is security deposit. Today, so far as Assemblies are concerned, it is only Rs. 250/-. It should be made at least Rs. 5,000/-. For Parliament it should be made at least Rs. 10,000/-.

With these words, I thank you for giving me this opportunity and conclude.

MR. CHAIRMAN: Mr. Prime Minister.

श्री सत्य प्रकाश मालवीय: आप जिस भाषा में वोट मांगते हैं उसी भाषा में बोलिए.. (**व्यवधान**)

श्री राम अवधेश सिंह: आप चीन जा रहे हैं, वहां पर अपनी मातृभाषा में बोलिए... (**व्यवधान**)। जब हमारे देश में श्री गोर्बाचोव आये थे तो रूसी भाषा में बोलते थे। आप भी अपनी भाषा में बोलिए।

श्री सभापति: आप बैठिए।

श्री राम अवधेश सिंह: कम से कम भारतीय भाषा में बोलिए। हम आप से प्रार्थना कर रहे हैं, कोई दबाव नहीं डाल रहे हैं। इससे भारत का सिर ऊंचा होगा। अपनी भाषा में बोलिए।

SHRI G. SWAMINATHAN (Tamil Nadu): Mr. Chairman, Sir, it is not fair to ask the Prime Minister to speak in Hindi. He should have the option to speak in whichever language he likes to.

श्री सभापति: यह बात कितनी ही बार सदन में आ चुकी है। आप ये नया झगड़ा क्यों पैदा कर रहे है? अब आप बैठ जाइये।

THE PRIME MINISTER (SHRI RAJIV GANDHI): I appreciate the sentiments of the hon. Member. I would request him to ask all the Members of his National Affront or whatever they call their front to speak in Hindi first. And once he got all the Members of the National Affront. (*Interruptions*).

श्री राम अवधेश सिंह: सरकारी पक्ष की गलती विरोधी पक्ष की गलती से बड़ी है। सरकार की तिल भर की भी गलती बड़ी होती है। आप सरकार में हैं, सरकार की हैसियत से बोलते हैं। (**व्यवधान**)...

SHRI PARVATHANENI UPENDRA: We are not against Hindi. We give the choice to him.

SHRI G. SWAMINATHAN: The whole of this morning has been taken demanding that nobody should speak in English, that everybody should speak only in Hindi. That kind of a situation is very unfair. A climate is being created as if nobody should speak in English. That is not fair.

MR. CHAIRMAN: We have to respect the sentiments of everybody.

[Shri Rajiv Gandhi] समय होगा तो मैं हिन्दी में भी जवाब दूंगा।

श्री राम अवधेश सिंह: चीन में जाकर हिन्दी में बोलिये।

SHRI RAJIV GANDHI: Mr. Chairman, at the outset I would like to thank all the Members who have participated in this debate. I thank them for the constructive suggestions and the positive views that they have shown and the general support that the Bill has got from all sections of the House. And I believe that the debate has been very mild compared

[Shri Rajiv Gandhi]

to the normal debates in this House except for the last few minutes. What we have brought to this House is a very major piece of legislation and it goes down to strengthening the roots of our democracy. India's democracy is unique amongst the democracies in the world, especially so amongst the developing countries in the world. We have demonstrated to the world that a developing country can be a democracy, that a society with a multiplicity of cultures, with different religions, different castes, different ethnic groups, different regions, languages, can work under one democratic system. This is a unique experiment in the world. In going down this road we have been extremely successful during these past forty years. But we have also found that certain corrections and certain modifications are required because of certain negative trends that have taken place. We have also felt that our people, especially the youngsters, are mature enough now to participate fully in the process.

श्री पी० शिवशंकर : आप लोग सपोर्ट नहीं करते ।

SHRI PARVATHANENI UPENDRA: We did it before you woke up.

SHRI RAJIV GANDHI: Now you have forgotten.

This Government is committed to electoral reforms. We have taken a number of steps during these past four years. We brought the Anti-Defection Bill. We amended the Companies Act to regulate donations to political parties. We brought in a Bill to stop misuse of religious institutions for political purposes, and now we have brought this Bill to you. In this Bill, to take some of the basic tenets that our nation is built upon, let me start with secularism. Secularism is not just important for India, it is vital for India. But secularism is important globally also. And it is important that an experiment that we are doing demonstrates that secularism and democracy can function together and that religion can be separate from politics. (*Interruptions*). It is essential that we strengthen all those forces which help secularism and strengthen democracy. We brought in earlier the Misuse of Religious Institutions Act like I just said. That was the first step. In this Bill we go further by requiring political parties to include secularism in their constitutions. (*Interruptions*). We are breaking new ground in pushing political parties towards the secular road. Similarly, by disqualifying and debarring those who are penalised under the Misuse of Religious Institutions Act, we are also strengthening the roots of secularism in our country.

This Bill looks very clearly at the weaker sections in our society. As I said earlier, we have been very successful in building the roots and strengthening democracy in our country. But still there are some weak points. And one of the weak points has been that the feudal elements have on occasions tried to prevent the process tried to prevent the weaker sections from going out and exercising their franchise. Sometimes it is very overt, by intimidation at the booth, close to the booth: sometimes it is more subtle by asking the people to stay at home and not venture out. Sometimes it is somewhere in between the two extremes. But it is a fact that thre are parts of the country where the feudal elements do not allow the weaker sections to exercise their franchise fully and freely. We have taken steps in this Bill to prevent that. (*Interruptions*).

अगर कुछ लोग समझे नहीं हैं तो मैं हिंदी में भी बोल सकता हूं, क्योंकि यह बात समझने की बात है ।

श्री राम अवधेश सिंह : अमेठी में बूथ कैप्चर नहीं हुआ था क्या ?

श्री राजीव गांधी : हमारे लोकतन्त्र में कुछ कमजोरियां भी हमें दिखलाई दी थीं, जैसे मैंने पहले कहा। साम्राज्यवादी शक्तियां हमारे कमजोर हल्कों को कभी-कभी अपना मतदान नहीं करने देती हैं, कभी लाठी लेकर बूथ पर, धमकी देकर, कभी ब्रिगेड बनाकर और कभी ऐसी धमकी देकर कि वे घर से न निकल पायें, इसलिये इस बिल में...

श्री पर्वतनेनि उपेन्द्र : सामन्तवादी, साम्राज्यवादी नहीं।

श्री राजीव गांधी : सामन्तवादी और साम्राज्यवादी, दोनों मैं आपको धन्यवाद देता हूं। खाली साम्राज्यवादी नहीं सामंतवादी भी, दोनों। अब पता चला फ्रंट का क्या फायदा होता है। इसीलिये हरिजनों, आदिवासियों, अल्पसंख्यकों और महिलाओं को सहारा देने के लिये हम इस बिल में खास प्रावधान लाये हैं। जिससे कि बूथ कैप्चरिंग एक कामगेजेबल आफेंस हो जाये, बूथ कैप्चरिंग एक कप्ट प्रेक्टिस हो जाये। हमारी उम्मीद है कि कमजोर हल्कों को इससे कुछ ताकत मिलेगी।

Sir, this Government has worked very hard for the upliftment of women in our society. We have taken a number of steps by setting up a commission for self-employed women, by bringing in much tougher Act on the Suppression of Immoral Traffic in Women and Girls, by strengthening the Anti-Dowry Act and by bringing in new provisions in the Indecent Exposure Act. We have brought in the Sati Bill. We have set up a National Perspective Plan for Women. We have taken a number of steps to help strengthen women. In this Bill too...

श्री राम अवधेश सिंह : मेनका गांधी को छोड़कर। ...(व्यवधान)

श्री राजीव गांधी : आप तो समझेंगे ही नहीं, इसलिये मैंने हिंदी में बोला ही नहीं। ...(व्यवधान)

श्री राम अवधेश सिंह : लेकिन मेनका गांधी को दबाना है। ...(व्यवधान)

SHRI RAJIV GANDHI: Sir, that is why, in this Bill we have suggested that anybody convicted for rape, for cruelty to women or for offences under the Anti-Dowry or Anti-Sati Bill be disqualified. In 1976, Indiraji had included the conviction for practising untouchability for disqualification. But unfortunately it has remained in such a place in our law that it did not seem to relate quite squarely to the electoral process. By bringing it in this Bill, we have, in a sense, codified it and brought it right in the front so that all those feudal elements who still insist on practising discrimination against the Scheduled Castes will also be disqualified under this Bill.

Sir, we have not limited ourselves to just social offences. We have gone beyond that to those who commit certain types of economic offences. Narcotics is an area which falls in both the categories. It is a social offence and it is also an economic offence. Now, anybody convicted under the Narcotics Act will also be disqualified. We have included the customs, FERA, food and drugs adulteration and hoarding and profiteering.

Sir, I believe that some the Members from the opposition had said that this Bill was going to help the ruling party.

श्री राम अवधेश सिंह : नो, रूलिंग पार्टी का सफाया हो जायेगा। ...(व्यवधान)

श्री राजीव गांधी : आप अंग्रेजी तो अच्छी समझते हैं। ...(व्यवधान) माफ कीजिये जी, यह मेम्बेरान तो बड़े छपे रुस्तम निकल आये। यहां पर हिन्दी-हिन्दी कहते हैं, घर पर जरूर अंग्रेजी बोलते होंगे। ...(व्यवधान) इसलिये इतनी अंग्रेजी समझ पाते हैं।

श्री राम अवधेश सिंह : मैं तो आप ही जैसे अंग्रेजी स्कूल में पढ़ा हूं जैसे आप पढ़े हैं, लेकिन मैं बोलता हिन्दी हूं, यह जान लीजिये।

एक माननीय सदस्य : यह घर में बच्चों को जरूर पढ़ाते होंगे ।

SHRI RAJIV GANDHI: Sir, if the hon. Members from the opposition feel that this Bill will help the ruling party, it only means that the weaker sections, the Schedued Castes, the Scheduled Tribes, the minorities and the women will trust us and stand by us. If the members of the opposition feel that this Bill is not helping them, obviously they feel that we are hitting out at those who deal in narcotics, who smuggle drugs, who are involved in food and drugs adulteration, those who are involved in profiteering, those who are involved in customs and FERA offences and they are the ones who support them.

श्री राम अवधेश सिंह : ऐसे सब आपकी पार्टी में है ।

SHRI PARVATHANENI UPENDRA: They are all in your camp.

(*Interruptions*)

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): Even by inference...

(*Interruptions*)

SHRI DIPEN GHOSH: Who is in whose company?

SHRI PARVATHANENI UPENDRA: All the FERA violators are in their camp. We know that.

(*Interruptions*)

SHRI DIPEN GHOSH: Bachchans and Suris are in whose party?

SHRIMATI RENUKA CHOWDHURY: Sir, there is only one thing I want to clarify. Even by inference ... (*Interruptions*)

SHRI RAJIV GANDHI: Mr. Chairman, Sir, I am not yielding...

SHRIMATI RENUKA CHOWDHURY: It is all right. I am taking the liberty since you are protecting us women so much. This is a reflection of your behaviour. Thank you.

MR. CHAIRMAN: He is not yielding...

SHRIMATI RENUKA CHOWDHURY: I am only saying one thing. Even by inference, let it not be misinterpreted, even for a joke, that the Opposition—I speak for all—is supporting narcotic or drug trading in any way. We are not. We are not supporting it. (*Interruptions*) And I want to put it on record. That is all. I have no fight with you, I have no other argument with you. But I want to go on record that we are not supporting narcotics or anything and we are not opposing this Bill only to support that...

MR. CHAIRMAN: Please sit down.

SHRI RAJIV GANDHI: Sir, I appreciate what the hon. Lady Member has said. And I do not believe that she is supporting the narcotics or the smugglers. I was just commenting on what one Member of the Opposition has said who had felt that these provisions will help the ruling party. And I was only commenting on which provisions would help us, and which provisions may go against us. That was all that I was commenting on. (*Interruptions*) Sir, if the hat fits, let them wear it.

Sir, this Bill seeks to reduce the voting age from 21 to 18 years.

एक माननीय सदस्य : अब तो बजा दो ताली ।

श्री राजीव गांधी : एक ही समझ उन्होंने ही ताली बजाई ।

श्री राम अवधेश सिंह : ईस्टर्न रिजन से आपका सफाया हो जायेगा । आपका सफाया होने वाला है ।

MR. CHAIRMAN: Mr. Ram Awadhesh Singh, please take your seat.

SHRI RAJIV GANDHI: Sir, our Party has full faith in the youth of India, we have full faith in the maturity of the youth of India. We have full faith that the youth of India will help us strengthen the foundations of our democracy, that the youth of India will help us in the nation-building process. And we feel...

SHRI PARVATHANENI UPENDRA: By removing you from power.

SHRI RAJIV GANDHI: And we feel that it is now necessary to involve them in the electoral process. With this provision, approximately 50 million new voters will be inducted into the electoral process.

SHRI RAM AWADHESH SINGH: 47 million.

श्री राजीव गांधी : अब आप पूरी अंग्रेजी नहीं समझते तो मैं क्या करूं ।

Sir, many Members and many Opposition parties have spoken about a multi-member Election Commission. While agreeing with the Opposition that there have been occasions when a controversy has arisen on decisions or the actions of the Election Commissioner, controversy has not been one-sided; I think, all parties at some time or the other felt upset about the way a particular thing had gone. So, this is not something which is partisan. It is universal. The solution that was given to us by many Opposion Parties was that we should have a multi-member Election Commission. To me, Sir, this looks clearly like a lack of faith in the one-member Election Commission. this is clearly a signal that there is a lack of faith in the one-member Election Commission. Sir, we have no lack of faith in the Election Commission or the Election Commissioner. We feel there are certain problems...

...अरे, बाद में आप बोल लीजियेगा, आडवाणी जी । ...

6.00 P.M.

SHRI LAL K. ADVANI: When a matter is referred to a Bench in place of a single member judge, that does not indicate any lack of faith in that judge. So, a multi-member commission by itself does not indicate any lack of faith in one person... (*Interruptions*). I am expressing my views, why I am in favour of a multi-member commission. I will elaborate it later.

SHRI HANS RAJ BHARDWAJ: I have noted down your name to speak.

SHRI PARVATHANENI UPENDRA: Sir, the founding fathers of our Constitution also provided for this in article 324 and a Joint Parliamentary Committee consisting of all the parties recommended in 1972 a multi-member commission.

SHRI RAJIV GANDHI: Sir, I appreciate what Advaniji has said. I was painting everybody with one brush but obviously there are exceptions but I believe members today in the House have specifically said this.

Sir, let me say clearly that under the present system, as it exists today, the Election Commissioner is a little limited in the actions that he can take. And we have tried to strengthen his hands in this Bill and we believe that by strengthening his hands the Election Commissioner will be in a better position to act and to be more just and fair in the election process Like I said, we feel that any suggestion of changing from one member, is by implication saying that you do not have faith in one, you want to go for three or whatever number you want to go to. Sir, we are very clear in our mind. We have full faith in the Commissioner and the Commission and we have strengthened his hands to endorse our faith in the Election Commissioner. We believe that with the current provisions in the Bill the Election Commissioner will be in a much stronger position to act and to deliver in the areas of election.

[Shri Rajiv Gandhi]

Sir, one bit of confusion had crept in on the I.D. cards. There was a feeling that we had missed on the I.D. cards. We are very clear in our minds that there must be I.D. cards, multi-purpose I.D. cards and we are going to bring them in. But we were told that it is not necessary to bring that provision in the Bill as it could be done under the Rules. We are already looking at that and we will be doing that.

Sir, for just a minute I would like to refer to some of the points that were raised in this House. I won't refer to all the points because I think most of them were not really very significant but I will refer to some.

Sir, I believe one Communist Member questioned as to why we were including or wanting to include socialism as part of the constitution of political parties. I do not know, Sir, I wonder if the hon. Member does not have adequate knowledge of our Constitution, because it is now included as a part of our Constitution. Perhaps he is worried about the performance of his own party in this particular area. And perhaps there is a little fear of what it might mean if they have to do what they pretend to do. (*Interruptions*)

DR. G. VIJAY MOHAN REDDY: The Congress Party does not know what it is. Do they understand what socialism means? Or do they want to practise socialism without knowing what it means?

SHRI PARVATHANENI UPENDRA: When you say you swear by Constitution, it includes everything. Why single out one directive principle there?

SHRI P. SHIV SHANKER: No, no, it is not singling out one.

SHRI RAJIV GANDHI: Sir, it is not singling out one principle there. But one has included all the provisions there... (*Interruptions*).

SHRI DIPEN GHOSH (West Bengal): It is in the Preamble, not in your actions.

SHRI RAJIV GANDHI: Sir, one Member commented on what had said in the other House, when I had said that this Bill is a historic and revolutionary Bill. Perhaps, the hon. Member has not read the Bill. I would request him to read it. He also commented...

SHRI PARVATHANENI UPENDRA: Most of them on that side have not read.

SHRI RAJIV GANDHI: Most, not all; even now when you are debating it, at least read it before you debate it.

श्री राम अवधेश सिंह : खोदा पहाड़ निकली चुहिया के समान है। . . . (व्यवधान)

SHRI RAJIV GANDHI: The hon. Member also seems to object to my saying that there was some peripherral myopia in the opposition. If he has read the Bill and he still does not think that it is historic and revolutionary, then I think he is afflicted not only by myopia but is compounded, perhaps, by astigmatism.

SHRI M. S. GURUPADASWAMY: Mr. Prime Minister, I referred to these things in my speech. Let me tell you I have read the Bill as much as you have done, and you are suffering from myopia.

SHRI RAJIV GANDHI: I will get you some glasses.

One Member objected to our having individual consultations with the political parties, and not calling them collectively.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): You were not here when the debate was going on;

you have taken notes from somebody else.

SHRI RAJIV GANDHI: Perhaps, the hon. Member was not here either when the Member was talking about *these things; otherwise he would* know.

Sir, some Members have complained about being consulted individually. I do not know; perhaps, there is some insecurity about their identity that they do not want to be seen individually. We ourselves are a little confused between the Dals and the Fronts and the "affronts". We realise there are attempts to from unity, and like I have said, I would appreciate having one opposition party to deal with.

SHRI PARVATHANENI UPENDRA: The Front is really haunting you.

SHRI DIPEN GHOSH: Now it is haunting you.

SHRI M. S. GURUPADASWAMY: Your front seems to be universal.

SHRI RAJIV GANDHI: It is better than your affront.

Sir, it is very difficult for us to understand who belongs to which Front, to which Dal. It only reminds me of the old story of Birbal when he was cooking his 'khichri' and it was not getting cooked.

उसी तरह से जनता दाल भी गल नहीं रही है ।

श्री सत्य प्रकाश मालवीय : जब चुनाव आयेगा तब पता चलेगा ।

SHRI RAJIV GANDHI: This is the first major Bill on electoral reforms since Independence. It is I repeat, historic and revolutionary. We have brought it in Panditji's, Jawaharlal Nehru's Centenary Year. He was the man who laid the foundations of the roots of our democracy. It was Panditji who steered our country on a route in a manner for over one and a half decades, and he put the country on a course, a democratic course, from which it cannot be removed by anyone else. Sir, we have faith and trust in our people. We have faith and trust in the youth of India. We believe that our people and our youth, with the help of these Bills, will strengthen democracy in our country. Thank you.

श्री राम चन्द्र विकल (उत्तर प्रदेश) : सभापति महोदय, यह जो विधेयक अभी सदन के सामने प्रस्तुत हुआ है वोट की उम्र 18 साल करने के लिये, मैं इससे भी ज्यादा जो युवा संसद हैं, जो बच्चों में डैमोक्रेसी को जीवित कैसे रखा जाए, यूथ पार्लियामैंट के द्वारा भी हमारे देश के स्कूलों . . . (**व्यवधान**)

श्री राम अवधेश सिंह : आपके जाते ही सब चले जायेंगे, जरा रुकिये ।

श्री राम चन्द्र विकल : यूथ 18 साल की उम्र से भी अधिक युवा संसद के द्वारा, सभापति महोदय, सारे देश में करीब-करीब हर राज्य में बच्चों में डैमोक्रेसी को जीवित कैसे रखा जाए, तो युवा संसद के द्वारा यह कार्य संचालन संसदीय कार्य मंत्रालय की तरफ से चल रहा है और इससे डैमोक्रेसी को जीवित रखा जा सकता है। युवा संसद में पक्ष और विपक्ष के लोग प्राय: इस तरह का प्रदर्शन कर रहे हैं आजकल, जिसमें प्राइम मिनिस्टर भी बनते हैं, स्पीकर भी बनते हैं, विपक्ष के लीडर भी बनते हैं और यूथ पार्लियामेंट के द्वारा तात्कालिक जो देश की समस्यायें हैं उन पर चिन्तन करते हैं । 18 साल से भी आगे जो युवा संसद के द्वारा बच्चों में डैमोक्रेसी को जीवित रखा जा रहा है, यह एक परीक्षण हमारे देश के स्कूलों में हो रहा है। इसको अधिक से अधिक बढ़ाया जाए और आज यह मांग है बच्चों की तरफ से कि अगर इम्तिहान में हमारी यूथ पालियामेंट का प्रदर्शन करने वालों को कुछ नम्बर भी मिलने लगें तो मैं समझता हूं कि डैमोक्रेसी कुछ और अमर हो जाएगी ।

सभापति महोदय, अभी जो यह विधेयक पेश है, 18 साल की उम्र वाला इस पर पक्ष-विपक्ष में कोई ज्यादा मतभेद नहीं है और सभी ने इसका समर्थन किया है । यह

[श्री रामचन्द्र विकल]

सर्वसम्मत विधेयक है । थोड़ा सा विवाद इस बात पर है और यह मांग विपक्ष के लोग भी करते रहे हैं कि श्रेय किसको जाए । तो श्रेय का जहां तक सवाल उठता तो श्रेय हमारी कांग्रेस पार्टी या लीडर को ही जाएगा क्योंकि पास तो वही करा रहे है, आपने मांग जरूर की। इसको पेश करने का, पास कराने का श्रेय हमारे लीडर को ही जायेगा इसमें कोई दो राय नहीं है ।

सभापति महोदय, अपराध कैसे कम हों, यह एक ऐसा विषय है जिस पर जरा सोचना पड़ेगा। समाज में अगर और अपराध भी कम होने शुरू हो गये तो चुनाव में भी अपराध कम होंगे। बूथ कैप्चरिंग सबसे बड़ा अपराध है जिसको इस संविधान के द्वारा संशोधित कर रहे हैं हम । यह भी सही है कि सारे देश में बूथ कैप्चरिंग की परम्परा नहीं है--दक्षिण के राज्यों में विशेषकर और महाराष्ट्र के लोग तो गर्व करते है इस परम्परा पर, और चाहे हरियाणा हो, चाहे उत्तर प्रदेश हो, बिहार हो, या दिल्ली हो, इन उत्तर भारत के राज्यों में बूथ कैप्चरिंग का मामला आज से नहीं है यह बहुत पुराना चला हुआ है और दिन प्रतिदिन बढ़ता चला जा रहा है । बूथ कैप्चरिंग के अपराधी को अगर डैमोक्रेसी से अलग करा दिया गया तो डैमोक्रेसी अमर हो जायेगी ।

सभापति महोदय, पैटिशन जो होता है, मैं क्षमा चाहता हूं वकील लोगों से वकील बड़े से बड़े अपराधी को बचाने के लिए तैयार हो जाते हैं । चाहे भारद्वाज जी हों, चाहे कोई हो इसमें । मैं वकील के अधिकार को चुनौती नहीं देना चाहता, लेकिन कातिल को छुड़ाने वाला वकील समाज में इज्जत भी पा रहा है और पैसा भी पा रहा है । तो अपराध कैसे कम होंगे यह चिन्ता का विषय है और यही पैटिशन और बूथ कैप्चरिंग का हाल है । पैटिशन में भी हारे हुए को जितवा देना और जीते हुए को हरवा देना या अपराधी को बचा लेना और निरापराध को फंसा देना, यह जो कानून को चुनौती देकर वकील लोग करते है, उससे न समाज में न चुनाव में अपराध में कमी आएगी, ऐसा मेरा विश्वास है । सभापति महोदया, आज इस विधेयक पर सभी ने कहा है कि हमारे देश में क्षेत्रवाद न पनपे, जातिवाद न बढ़े । इससे सबको चिन्ता है सरकारी पार्टी हो या विपक्ष हो, सबको इस बात की चिन्ता होनी चाहिए । तेलुगु देशम पार्टी तो क्षेत्रवाद के नाम से है, मैं क्षमा चाहूंगा मेरा यह कहना है कि भाषा के नाम पर या धर्म के नाम पर या क्षेत्र के नाम पर कोई पार्टी न बने । पार्टियां वही होनी चाहिए जिनका कोई प्रोग्राम हो । वही पार्टियां रजिस्टर होनी चाहिए। लेकिन यह जरूर होना चाहिए कि जिनकी मेम्बरशिप कम से कम एक निश्चित मात्रा में हो या उनको कम से कम इतने वोट मिलें, ऐसा फारमूला होना चाहिए । किन पार्टियों को राजनीति मे मान्यता मिलनी चाहिए, इसके लिए जन समर्थन या कुछ ऐसा सिद्धान्त होना चाहिए कि कुछ प्रोग्राम के आधार पर पार्टियां बन सकें । तभी मैं समझता हूं कि डेमोक्रेसी जीवित रह सकती है ।

सभापति महोदय, पंडित जवाहरलाल नेहरू को युवा पीढ़ी के लोग चाचा नेहरू कहते थे । उनकी जन्म शताब्दी के वर्ष में हम युवकों को यह अधिकार दे रहे है और 18 वर्ष की उम्र के लोगों को वोट का अधिकार दे रहे है यह उनकी आशाओं

के अनुरूप है । चाचा नेहरू कहने वाले लोगों को हम वोट देने का अधिकार 18 वर्ष तक की आयु वालों को दे रहे हैं । इससे उनमें यह भावना आएगी कि डेमोक्रेसी को जीवित रखा जाए । हमारे कई पडोसी देश हैं जहां डेमोक्रेसी नहीं है । पाकिस्तान में कई सालों की तानाशाही के बाद डेमोक्रेसी आई है । बर्मा में अभी भी डेमोक्रेसी नहीं आई है । तो डेमोक्रेसी को जीवित रखना आवश्यक है क्योंकि यह सबसे अच्छी राज प्रणाली है । डिक्टेटरशिप से बादशाहियत से यह अच्छी प्रणाली है क्योंकि इसमें पब्लिक की राय से सरकार बनाई जाती है । यह मौका पक्ष और विपक्ष दोनों के लिए है कि वह डेमोक्रेसी के जीवित रखने के लिए उठाए गए कदमों का स्वागत करें । डेमोक्रेसी में जो अच्छी बात विपक्ष की हो उसको मानने में प्रतिष्ठा का सवाल नहीं होना चाहिए और विपक्ष को भी जो सरकार के अच्छे काम हैं उनका स्वागत करना चाहिए । तभी डेमोक्रेसी के लिए शुभलक्षण होता है ।

सभापति महोदय, सदन में भी डेमोक्रेसी चलती है और अधिक से अधिक लोगों को अपने विचार प्रकट करने का मौका देना चाहिए । जनता को भी सजग रहना चाहिए कि किस तरह से वे अपने अधिकारों का प्रयोग करें । पक्ष और विपक्ष को मिल जुलकर डेमोक्रेसी को जीवित रखने के लिए काम करना चाहिए, इसमें कोई फर्क नहीं आना चाहिए । इसको दृष्टि में रखकर हम चलेंगे तो डेमोक्रेसी हमारे यहां जीवित रहेगी और अधिक मजबूत होगी ।

इन शब्दों के साथ मैं इस विधेयक का स्वागत करता हूं और आशा करता हूं कि इससे हमारे युवा पीढ़ी के लोग उत्साहित होंगे और हमारी डेमोक्रेसी को अच्छी से अच्छी बनाने में सहयोग दे सकेंगे । इन शब्दों के साथ मैं इस विधेयक का स्वागत करता हूं ।

MR. CHAIRMAN: Mr. Ghulam Rasool Matto.

SHRI GHULAM RASOOL MATTO: Sir, it is fag end of the day. I have to say something very important. Shall I speak on Monday?

AN HON. MEMBER: You can start and then continue on Monday.

MR. CHAIRMAN: You speak.

आप तकरीर कीजिए और खत्म कीजिए ।

SHRI GHULAM RASOOL MATTO: Mr. Chairman, Sir, we are required to speak on the Constitution (Sixty-second Amendment) Bill, 1988, and the Representation of the People (Amendment) Bill, 1988.

While speaking on the first Bill, *i.e*, the Constitution Amendment **Bill,** I was going through the famous speech of Pt. Jawaharlal Nehru, to which you must have been a witness, Sir—"The Tryst with Destiny". Of course the pronunciation is 'trist' but actually Panditji had used the pronunciation 'triest' in that speech. I tried to understand from the Chambers Dictionary the meaning of the word "tryst" and I came to know that it was: an appointment to meet: appointed place of meeting: to make an appointment with; to agree to meet. So he had to meet the destiny and that is why he said this.

Another interesting word in the dictionary is "tryst-ing-day" and the meaning of "trysting-day" as given in that dictionary is: to wait for a person at the appointed place and time. Sir, I can say with a sense of satisfaction that Shri Rajiv Gandhi has chosen the "trysting-day" as the 15th December, 1988, when he gave to the youth of India the place that they deserved.

[**The Deputy Chairman** in the Chair]

Madam, the words used by Pandit Jawaharlal Nehru in that speech are

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as relevant today for Rajivji to quote as they were in 1947. He had stated—and I quote:

> "Long years ago, we made a tryst with destiny and now the time has come when we shall redeem our pledge not wholly or in full measure but very substantially. A moment comes, which comes but rarely in history, when we step out from the old to the new, when an age ends and when the soul of the nation lying suppressed finds utterance. It is fitting that at this solemn moment, we take the pledge of dedication to the service of India and her people and in a still larger sense of humanity. The achievement we celebrate today is but a step, an opening of opportunity to the greater triumphs and achievements that await us. Are we brave enough and wise enough to grasp this opportunity and accept the challenge of the future? Freedom and power bring responsibility. Nevertheless, the past is over and it is the future that beckons to us now".

This is the quotation from that "Tryst with Destiny" speech that Pandit Ji gave on that day and this is what Rajiv Gandhi has said to the youth of India on 5th December, 1988. May I say, as many speakers have spoken about the age of the youth and the Prime Minister has also spoken that 5 crores of people have been added to the list of voters. But nobody has said this and I want to say it very openly that it is the universal experience that the youth are always against the establishment. It is so not only in India, but in the entire world the youth are against the establishment. Now if Rajivji has taken this risk at this hour, the credit goes to him that he has taken this risk while giving the youth the opportunity to decide their future. This has to be viewed in this context that Mr. Rajiv Gandhi has taken the risk. I can say without any fear of contradiction that this provision of declaring 18 years as the voting age will go against us in Kashmir. It may go against the Telugu Desam in Andhra Pradesh, it may go against the CPI(M) in West Bengal, because the youth are always against the Establishment. In spite of this if Mr. Rajiv Gandhi has taken this risk, he has to be congratulated.

Madam, I now come to the second Bill, that is, the Representation of the People (Amendment) Bill.

THE DEPUTY CHAIRMAN: Mr. Matto, we are adjourning at 6.30. So, you please conclude your speech by then.

SHRI GHULAM RASOOL MATTO: Madam, at the outset I have to say that I have proposed an amendment in the Representation of the People Act, which is under the consideration of the Secretariat. In this amendment I have suggested that after the words 'Election Commission' means the "Election Commission appointed by the President under article 324 of the Constitution," it may be provided "any Member of the Election Commission so appointed by the President shall not be eligible for further office either under the Government of Inida or under the Government of any State after he ceases to hold his office." Madam, I would like to state that with regard to the Union Public Service Commission, the Chairman and Members of the Union Public Service Commission cannot hold any office after they cease to be Members of that Commission. Similarly, the Comptroller and Auditor-General cannot hold any office either at the Centre or in the States after he ceases to be in that office. A High Court Judge cannot practise in his own State when he ceases to be a High Court Judge of that State. And a Supreme Court Judge cannot have any practice in the entire country when he ceases to be a Judge of the Supreme Court. When we are

through this Bill, giving immense powers to the Chief Election Commissioner, when all our destiny is vested in him, it is appropriate that we must see to it that that is the end of his career and he has not to seek any gubernatorial or other appointments for serving the Government of the day, whichever Government it may be. We may be in the Opposition or in the ruling party, but the Government should consider this. I suggest that this amendment should be incorporated and this amendment of mine should be accepted. ... (*Time-bell rings*)...

Madam, I now come to clause 13CC. It stipulates about the officials that "in connection with the preparation, revision and correction of the electoral rolls....." they "shall be deemed to be on deputation to the Election Commission for the period during which they are employed..." In my opinion—I don't know; Constitutional lawyers are here—perhaps it requires a Constitutional amendment. The Minister will react to it, because the administration of the State, under the State List, is vested in the State Government. He may clarify, when he replies, whether any Constitutional amendment would be needed for making it possible that the officers dealing with the election process in any constituency in any State can be under the Central Election Commission. This should be taken into account. The point I want to make is, in order to avoid any friction, as pointed out by Mr. Upendra also, it is necessary that before the concerned officers are put under the Election Commission, the Election Commission should get the list from the State Government and when the Election Commission gets the list of the officials who would be responsible for the election work, naturally, if the list is given by the State itself, then the disputes and friction between the States and the Election Commission will be avoided because, if the Election Commission *suo motu* picks and chooses certain officials, it will create friction. This applies to other sections also. ... (*Time-bell rings*).

Now, Madam, another point that I would like to bring to the notice of the honourable Law Minister is with regard to the provision asking parties to get themselves registered. Many parties do not have this inbuilt provision that the hon. Law Minister has brought forward in regard to the character of the party being of a firm belief in secularism and socialism and democracy. Parties' own constitutions need amendment, and sufficient time should be given. There is a time-limit of 60 days. It needs amendments in their rules and other things. Sufficient time should be given for political parties to include this.

The second point that I would like to know from the hon. Minister...

THE DEPUTY CHAIRMAN: Mr. Matto, please conclude.

SHRI GHULAM RASOOL MATTO: No.

THE DEPUTY CHAIRMAN: It is 6-30. We are to adjourn.

SHRI GHULAM RASOOL MATTO: That is why I told you Madam that I would speak on this on Monday. Only what is relevant to the Bill, I am saying.

THE DEPUTY CHAIRMAN: No. Your time was already taken by Sardar Jagjit Singh Aurora.

SHRI GHULAM RASOOL MATTO: He spoke only for four, five minutes.

THE DEPUTY CHAIRMAN: No. You have spoken for ten minutes. Please conclude now.

SHRI GHULAM RASOOL MATTO: Please bear with me for a minute or two. The next point would be. What is the position regarding this point. According to the rule, the constitution of that particular political party has to be furnished to the

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Election Commission by the party concerned. If, according to the constitution of that party the elections are to be held by them, say, after two years or after one year, and if any party has not observed those rules, has not held elections of their parties for 20 years or 12 years, what will be the position? Will that party not be violating this provision? Will it not create problems? This may kindly be looked into whether this is a fact under the provision of this clause.

Madam, with regard to political parties—one more minute only—being registered or not, it has been provided that the decision of the Commission shall be final. I think, it should be provided that they can go to the court or any other higher authority if the verdict of the Election Commission with regard to non-registration of that Party is there. This provision should have been there. I think, the Minister will reconsider it.

There is section 14. The words are:

"shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees"

I think, Sir, it should have been "and fine", not "or because in this case the imprisonment provision with regard to booth-capturing and other malpractices will not have the required teeth because they will pay Rs. 1,000. It was Rs. 250 previously. The word "or" is there. The word "and" should have been there.

Madam, I find from this Bill that the most important thing is that religion should be isolated from politics and religious places should not be used for political purpose. We welcome this. I find that this is a very healthy provision.

The provision for inclusion of secularism, socialism and democracy in the constitution of every party wanting to fight an election is a very healthy one, and I congratulate the Minister.

Will these words, I support the two Bills.

Messages from LOK SABHA

Narcotic Drugs and Psychotropic substances (Amendment) Bill, 1988

SECRETARY-GENERAL: Madam, I beg to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Narcotic Drugs and Psychotropic Substances (Amendment) Bill, 1988, as passed by Lok Sabha at its sitting held on 16th December, 1988."

I lay the Bill on the Table.

THE DEPUTY CHAIRMAN: The House stands adjourned till 11 o' clock on Monday.

The House then adjourned at thirty-four minutes past six of the clock till eleven of the clock on Monday, the 19th December, 1988.